

ORDINANCE NO. 2012-09

CITY OF CAVE SPRINGS, BENTON COUNTY, ARKANSAS

AN ORDINANCE APPROVING, ADOPTING  
AND ESTABLISHING THE ZONING CODE  
FOR THE CITY OF CAVE SPRINGS,  
ARKANSAS, PROVIDING FOR THE  
ADMINISTRATION THEREOF AND  
DECLARING AN EMERGENCY.

**WHEREAS**, Arkansas planning statutes empower the City of Cave Springs and the Cave Springs Planning Commission to enact zoning regulations and controls for the entire area of the municipality; and

**WHEREAS**, the City of Cave Springs has developed and adopted a land use plan for the City of Cave Springs, regarding the present conditions and the probable future growth of the City and its neighboring territory; and

**WHEREAS**, the Cave Springs Planning Commission has developed a zoning code for the City of Cave Springs; and

**WHEREAS**, the Planning Commission held a public hearing on the Cave Springs Zoning Code, following publication of notice of said hearing pursuant to Arkansas law, and heard all persons desiring to be heard regarding adoption of the Zoning Code, and after thorough consideration of comments and views expressed by all interested persons the Planning Commission approved the Zoning Code and recommended the same to the City Council for adoption, and in connection therewith certified it, together with this ordinance, to the City Council for review, approval and adoption, on August 7, 2012; and

**WHEREAS**, having fully reviewed the Cave Springs Zoning Code presented by the Planning Commission, it is the desire of the City Council to approve and adopt said Zoning Code for the entire area of the municipality; and

**WHEREAS**, Arkansas Code Annotated §14-55-207 provides that these regulations may, by ordinance, be adopted by reference thereto without setting forth the provisions of thereof, if three (3) copies of the same, and any related documents, are filed in the City Recorder's office for inspection and viewing by the public, and notice thereof by publication in a paper of general circulation within the City is provided to the public, all prior to the passage of said ordinance; and

**WHEREAS**, the requirements of A.C.A. §14-55-207 have been met and the City Council desires to adopt said Zoning Code.

**NOW, THEREFORE, BE IT ENACTED**, by the City Council of the City of Cave Springs, Arkansas, as follows:

**Section 1. Adoption of Zoning Code.** The Zoning Code of the City of Cave Springs, Arkansas that is attached hereto and incorporated herein by reference, as approved and recommended for adoption by the Cave Springs Planning Commission, is hereby approved and adopted, subject to revision from time to time in accordance with Arkansas law, and the same is hereby certified to the Cave Springs Recorder to be filed in the office of the Recorder and with the Circuit Clerk and Ex-Officio Recorder for Benton County, Arkansas, a file-marked copy of which shall be maintained in the Cave Springs Recorder's Office. The Zoning Code shall be controlling on all property within the entire area of the municipality.

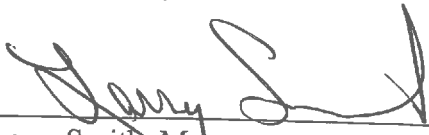
**Section 2. Repeal of Conflicting Ordinances.** Any matters in the foregoing zoning code which are contrary to the existing Ordinances of the City of Cave Springs shall prevail, and to the extent there are any existing Ordinances of the City in conflict herewith, they are hereby repealed in that respect only.

**Section 3. Designated Official.** Within said regulations, when reference is made to the duties of a certain official named therein, that designated official of the City of Cave Springs who has duties corresponding to those of the named official in said zoning code shall be deemed to be the responsible official insofar as enforcing the provisions of said zoning code are concerned.

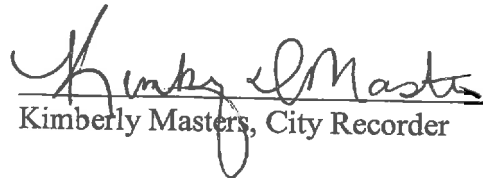
**Section 4. Declaration of Emergency.** It is hereby found and determined that the existing zoning code and regulations relating to the lands in the municipality are out of date and deficient, and based upon the needs of the City of Cave Springs in connection with its current and future growth the enactment of the zoning code and regulations will prevent harm in these areas to the community and help assure the safe and proper growth and development of land in the City of Cave Springs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

PASSED and APPROVED, this 19<sup>th</sup> day of November, 2012.

APPROVED:

  
\_\_\_\_\_  
Larry Smith, Mayor

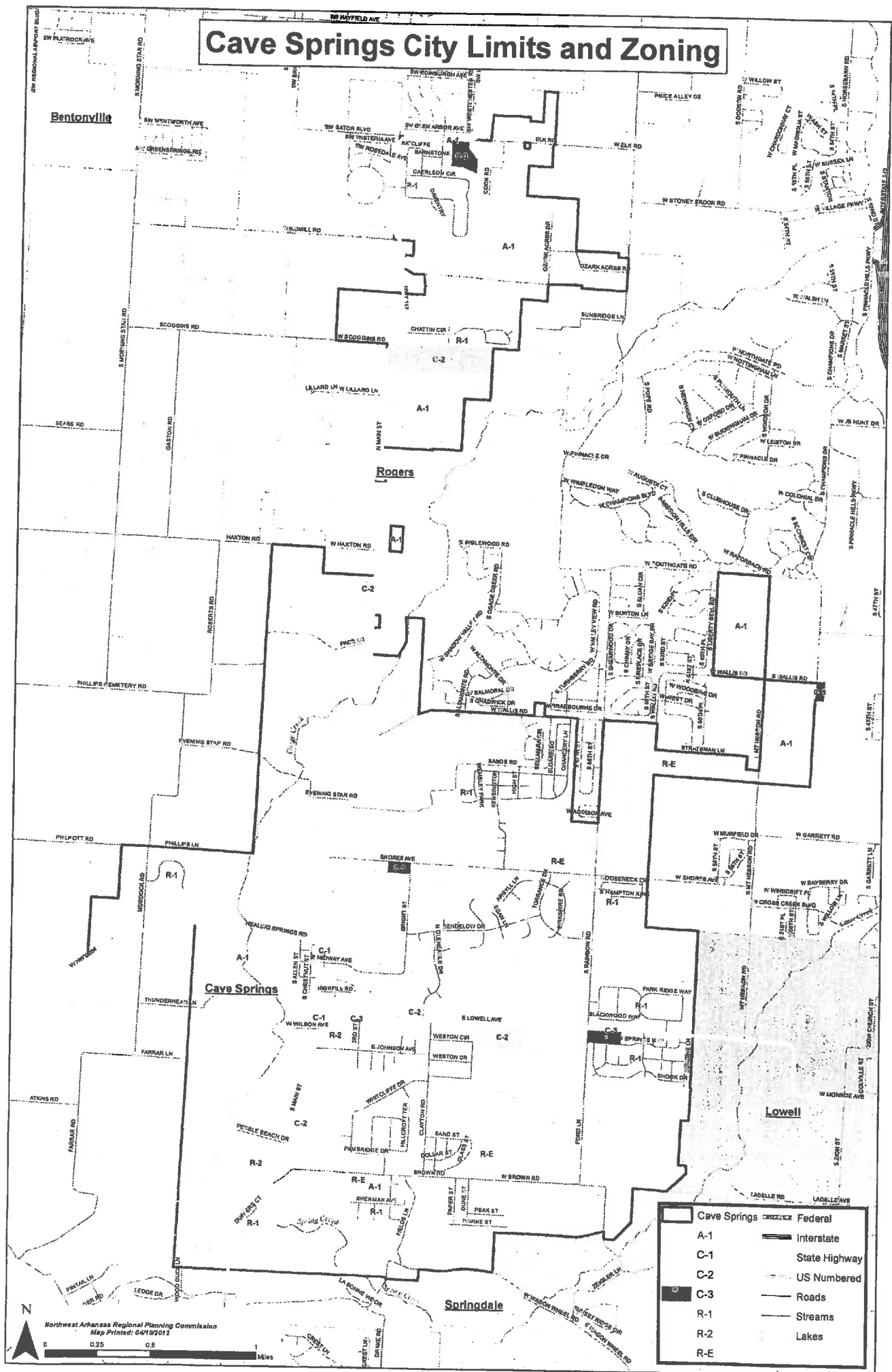
ATTEST:

  
\_\_\_\_\_  
Kimberly Masters, City Recorder

(SEAL)



# Cave Springs City Limits and Zoning



# **CITY OF CAVE SPRINGS, ARKANSAS ZONING ORDINANCE**

**November 19, 2012**

**ORDINANCE NO. 2012-**

**ADOPTED: 19th day of November, 2012**

**EFFECTIVE: 20th day of November, 2012**

# **CITY OF CAVE SPRINGS, AR ZONING ORDINANCE**

## **1. PREAMBLE**

### **1.1 TITLE**

This chapter shall constitute the zoning regulations of the City of Cave Springs. It may be cited as the “zoning ordinance” or “the zoning code,” and consists of the text, which follows, as well as the zoning district boundary map, titled “Official Zoning Map of the City of Cave Springs, Arkansas,” which is to be kept on file at City Hall.

### **1.2 AUTHORITY**

These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in A.C. Title 14, Chapter 56, Subchapter 4, as amended. All membership in the various boards and commissions having authority hereunder, acting prior to the effective date of this chapter, shall remain in office and serve the remainder of their respective terms.

### **1.3 PURPOSE**

The zoning regulations set forth herein are enacted to aid in the implementation of the land use portion of the City of Cave Springs Comprehensive Land Use Plan, and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Cave Springs. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial, industrial, recreational, and environmentally sensitive areas of the city; for protection of property from undue depreciation; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.

### **1.4 JURISDICTION**

The provisions of these regulations shall apply to all land, buildings and structures within the corporate limits of City of Cave Springs as they now, or may hereafter exist.

### **1.5 NATURE AND APPLICATION**

- 1.5.1 For the purposes stated above, the city has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, bulk, location, and size of buildings; open space; and the uses of land, buildings, and

structures. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the City of Cave Springs shall not be responsible for enforcing deed restrictions or restrictive covenants.

- 1.5.2 No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of these regulations.
- 1.5.3 No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located.
- 1.5.4 No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.
- 1.5.5 Dedication to public use of land shall not be a condition for any zoning or conditional use approval.
- 1.5.6 All structures constructed or occupied in conformance with these regulations shall also conform to all other codes and regulations of the City.
- 1.5.7 The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.

## **2. RULES OF CONSTRUCTION AND DEFINITIONS**

### **2.1 RULES OF CONSTRUCTION**

For the purpose of these regulations, the following rules of construction shall apply:

- 2.1.1 Words, phrases, and terms defined herein shall be given the defined meaning.
- 2.1.2 Words, phrases, and terms not defined herein but in the building code of the city shall be construed as defined in such code.
- 2.1.3 Words, phrases, and terms neither defined herein nor in the building code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- 2.1.4 In case of any difference of meaning or implication between the text and any heading, drawing, table or figure, the text shall control.

- 2.1.5 The particular shall control the general.
- 2.1.6 The word “shall” is always mandatory and not discretionary. The word “may” and “should” is permissive and not mandatory.
- 2.1.7 Words used in the present tense include the future tense, and words used in the future tense include the present tense.
- 2.1.8 Words used in the singular include the plural, and words used in the plural include the singular.
- 2.1.9 The words “building” and “structure” are synonymous, and include any part thereof.
- 2.1.10 The word “person” includes individuals, firms, corporations, associations and any other similar entities.
- 2.1.11 The words “lot,” “parcel,” “site,” “tract,” or other unit of ownership are synonymous and may be used interchangeably.
- 2.1.12 The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- 2.1.13 All public officials, bodies, and agencies to which reference is made are those of the City of Cave Springs, unless otherwise indicated.
- 2.1.14 Whenever reference is made to a resolution, ordinance, code, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, code, statute, regulation, or document, unless otherwise expressly stated.
- 2.1.15 Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- 2.1.16 Unless the context clearly suggests the contrary, the conjunction “and” indicates that all connected items, conditions, provisions or events shall apply, and the conjunction “or” indicates that one or more of the connected items, conditions, provisions or events shall apply.
- 2.1.17 *Expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within the time specified in applicable City Ordinance.

### 3. DEFINITIONS OF TERMS AND USES

This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. For example, the use “retail/service” does not include the more specific use “convenience store.”



- 3.1 **ACCESS EASEMENT.** A right-of-way or parcel of land specified or set aside as the way or means by which a piece of property is approached or entered, given by the owner of land to another party.
- 3.2 **ACCESSORY BUILDINGS and USES.** A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings. Accessory buildings and uses are located on the same lot and in the same zoning district as the principal use.
- 3.3 **ADULT ENTERTAINMENT.** Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.
- 3.4 **AGRICULTURE, ANIMAL.** The use of any land for the purpose of raising livestock.
- 3.5 **AGRICULTURE, CROP.** The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.
- 3.6 **AGRICULTURE, PRODUCT SALES.** The retail sale of agricultural products produced on the same site.
- 3.7 **ALLEY.** A narrow public way, not in excess of 20 feet, which affords a secondary means of access to abutting properties, and not intended for general traffic circulation.
- 3.8 **ANIMAL CARE, GENERAL.** A use providing animal care, veterinary services or boarding.
- 3.9 **ANIMAL CARE, LIMITED.** A use providing small animal (household pet) boarding or veterinary services, with no outside runs.
- 3.10 **APARTMENT.** A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing three or more dwelling units are considered apartments.
- 3.11 **LOT AREA.** The amount of land surface in a lot or parcel of land.
- 3.12 **AS-BUILT DRAWING.** A document showing how a particular building, site, and/or utilities have been constructed.
- 3.13 **ASPHALT or CONCRETE PLANT.** An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphalt cement, cement or concrete products.
- 3.14 **AUDITORIUM or STADIUM.** An open, partially enclosed or fully enclosed facility used or

intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings.

- 3.15 *AUTO WRECKING* or *SALVAGE YARD*.** A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition, or for the sale of parts there from, or for the collecting, storage, and salvage of waste paper, scrap metal, or other discard material.
- 3.16 *BANK* or *FINANCIAL INSTITUTION*.** Establishments engaged in deposit banking; typically, commercial banks, savings and loans, and credit unions.
- 3.17 *BASIC INDUSTRY*.** The first operation or operations that transform a material from its raw state to a form suitable for fabrication.
- 3.18 *BED AND BREAKFAST*.** The use of an owner-occupied or manager-occupied residential structure to provide temporary lodging, or lodging and meals.
- 3.19 *BUILDING*.** Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.
- 3.20 *BUILDING COVERAGE*.** The land area covered by all buildings on a lot, excluding eaves.
- 3.21 *BUILDING HEIGHT*.** The vertical distance from grade plane to the average height of the highest roof surface.
- 3.22 *BUILDING LINES*.** The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements, and beyond which the vertical wall of a building or structure shall not be located closer to indicated lot lines.
- 3.23 *BUILDING, PRINCIPAL*.** A building in which is conducted the principal use of the plot on which it is situated. In any residential district, any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.
- 3.24 *CARPORT*.** Space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.
- 3.25 *CEMETERY*.** Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.
- 3.26 *CERTIFICATE OF OCCUPANCY*.** Permission to occupy a building and/or property.
- 3.27 *CHURCH*.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day care facilities, is maintained and controlled by a religious

body organized to sustain public worship.

- 3.28 CLUB or LODGE.** An association of persons for the promotion of some nonprofit common purpose, such as charity, literature, science, politics, fellowship, and the like, meeting periodically, and limited to members.
- 3.29 COLLEGE or UNIVERSITY.** An institution of higher education offering undergraduate or graduate degrees.
- 3.30 COMPREHENSIVE PLAN.** The City of Cave Springs Comprehensive Land Use Plan.
- 3.31 CONSTRUCTION SALES AND SERVICE.** An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.
- 3.32 CONVENIENCE STORE.** An establishment, not exceeding 3,500 square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.
- 3.33 COUNTRY CLUB.** A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.
- 3.34 DAYCARE, GENERAL (DAY CARE CENTER).** A commercial establishment where adult day care services are provided, or where child day care services are provided for more than eight children; with both such services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.
- 3.35 DAY CARE, LIMITED (DAY CARE FAMILY HOME).** A home where day care services are provided to a maximum of eight children, with a maximum of two adults in attendance. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four children shall not be subject to provisions of these regulations.
- 3.36 DETACHED STRUCTURE.** A structure having no party or common wall with another structure except an accessory structure.
- 3.37 DEVELOPMENT.** The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and

alterations to the land. Development does not include:

- 3.37.1 Lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped area:
- 3.37.2 Removal of trees or vegetation damaged by natural forces; or
- 3.37.3 The repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.
- 3.38 *DEVELOPMENT or SITE PLAN.*** A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.
- 3.39 *DISTRICT, ZONING.*** Any portion or section of the city within which uniform zoning regulations apply.
- 3.40 *DRIVE-IN ESTABLISHMENT.*** A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.
- 3.41 *DWELLING.*** A building or portion thereof which is designed or used as living quarters for one or more families, but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, manufactured homes, or manufactured housing.
- 3.42 *DWELLING, ATTACHED.*** A dwelling that is joined to another dwelling at one or more sides by a wall or walls.
- 3.43 *DWELLING, DETACHED.*** A dwelling that is entirely surrounded by open space on the same lot.
- 3.44 *DWELLING, MULTI-FAMILY.*** A dwelling designed for or occupied by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.
- 3.45 *DWELLING, SINGLE-FAMILY.*** A dwelling designed for or occupied by one family only, and being on a permanent foundation. A single-family dwelling may not have more than two adults residing in the dwelling per established bedroom and may include minor children.
- 3.46 *DWELLING, TWO-FAMILY (DUPLEX).*** A dwelling designed for or occupied by not more than two families living independently of each other.
- 3.47 *DWELLING, TOWNHOUSE or ROW HOUSE.*** Two or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one family.

- 3.48 DWELLING UNIT.** A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sanitation, sleeping, and cooking.
- 3.49 [Redacted]**
- 3.50 EFFICIENCY UNIT.** A dwelling unit that contains living, sanitation, sleeping, and cooking facilities, but not a separate bedroom for sleeping, for not more than two adults.
- 3.51 EMERGENCY HOUSING UNIT.** A manufactured housing unit or residential-design manufactured housing unit that is located on the same lot as a principal single-family dwelling to be used solely for the purpose of providing temporary accommodations for a family member in need of daily assistance due to health reasons. Such reasons shall be certified by a licensed physician.
- 3.52 FAMILY.** One or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family. A single family dwelling may not have more than two adults residing in the dwelling per established bedroom and may include minor children.
- 3.53 FARM.** A parcel of land used for the growing or raising of agricultural products, including related structures thereon.
- 3.54 FENCE.** A barrier constructed to provide privacy or visual separation between an ownership and another.
- 3.55 FLOODPLAIN REGULATIONS.** Provisions of the City of Cave Springs Flood Damage Prevention Code.
- 3.56 FLOOR AREA, GROSS.** The floor area within the inside perimeter of the exterior walls of the building under consideration, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.
- 3.57 FLOOR AREA, NET.** The actual occupied area, not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.
- 3.58 FREIGHT TERMINAL.** A building or area in which freight, brought by motor trucks or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.
- 3.59 FRONTAGE.** That edge of a lot bordering a street.

- 3.60 GARAGE, PRIVATE.** An accessory building or a part of a main building used for storage purposes only for automobiles, vans, pick-up trucks and the like, used solely by the occupants and their guests of the building to which it is accessory.
- 3.61 GOLF COURSE.** A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.
- 3.62 GOVERNMENT SERVICES.** Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.
- 3.63 GREENHOUSE or NURSERY.** An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.
- 3.64 GROUP RESIDENTIAL.** The use of a site for occupancy by groups of more than five persons, not defined as a family. Typical uses include residence halls, and boarding or lodging houses.
- 3.65 HAZARDOUS WASTE.** Any solid, liquid, semisolid, or gaseous waste, whether alone or in combination, whether used, reused or reclaimed, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible, or incapacitating reversible, illness, or which may pose a substantial present or potential hazard to human health or the environment.
- 3.66 HOME OCCUPATION.** Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.
- 3.67 HOSPITAL.** An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training and research facilities, central service facilities, pharmacies, and staff offices which are an integral part of the facilities.
- 3.68 HOTEL or MOTEL.** An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.
- 3.69 KENNEL.** The use of land or buildings for the purpose of selling, breeding, boarding, or training dogs or cats or both, or the keeping of more than five dogs and cats. The word "selling" as herein used shall not be construed to include the sale of animals three months of age or younger which are the natural increase of animals kept by persons not operating a kennel as herein defined; nor shall selling be determined to include isolated sales of animals

over three months old by persons not operating a kennel as herein described.

- 3.70 LIBRARY.** A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for borrowing and use by the general public.
- 3.71 LOT.** Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.
- 3.72 LOT, AREA.** The total horizontal area of a lot lying within the lot lines.
- 3.73 LOT, CORNER.** A lot abutting two or more streets at their intersection.
- 3.74 LOT, DOUBLE FRONTAGE.** A lot that is an interior lot extending from one street to another and abutting a street on two ends.
- 3.75 LOT, INTERIOR.** Any lot which is not a corner lot.
- 3.76 LOT LINES.** The boundary lines of a lot.
- 3.77 LOT LINE, FRONT.** In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.
- 3.78 LOT LINE, REAR.** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.
- 3.79 LOT LINE, SIDE.** Any lot line other than a front or rear lot line as defined herein.
- 3.80 LOT OF RECORD.** A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Benton County Circuit Clerk.
- 3.81 LOT WIDTH.** The width of a lot measured at the front building setback line.
- 3.82 MANUFACTURED HOME.** A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Manufactured Home Construction and Safety Act of 1974.
- 3.83 MANUFACTURED HOUSING PARK.** A tract of land in one ownership that is used or intended to be used by two or more manufactured housing units, and which has public sanitary sewer facilities, public water, electricity, and other utilities available.
- 3.84 MANUFACTURED HOUSING UNIT.** A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built

in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. For purposes of these regulations, the term

- 3.85 MANUFACTURED HOUSING UNIT**, when used by itself, shall not mean the same as a “residential-design manufactured housing unit.”
- 3.86 MANUFACTURED HOUSING UNIT, RESIDENTIAL-DESIGN.** A manufactured housing unit which has a minimum width of 24 feet, with width measured perpendicular to the longest axis at the narrowest part, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with all of the standards specified herein.
- 3.87 MANUFACTURING, GENERAL.** An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “basic industry.”
- 3.88 MANUFACTURING, LIMITED.** An establishment primarily engaged in the on-site production of goods by hand-manufacturing, which generally involves only the use of hand tools or other equipment not exceeding two horsepower, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.
- 3.89 MEDICAL SERVICE.** An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.
- 3.90 MINING or QUARRYING.** The extraction of metallic and nonmetallic minerals, including stone, sand, and gravel operations.
- 3.91 NONCONFORMING STRUCTURE.** A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.
- 3.92 NONCONFORMING USE.** Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.
- 3.93 NURSING HOME.** Any premises where more than three persons are housed and furnished with meals and continuing nursing services.
- 3.94 OFFICE, GENERAL.** An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law,



architecture, design, engineering, accounting and similar offices.

- 3.95 OPEN SPACE, COMMON.** The area of land that is designed to be accessible for the use and enjoyment of all owners and/or tenants. This space may contain complementary structures, recreational areas and other such improvements, but shall not include parking lots or streets.
- 3.96 OPEN SPACE, PRIVATE.** An area of land owned or occupied by a property owner or tenant and available for his or her private use and enjoyment.
- 3.97 OWNER.** The property owner of record, according to the office of the Benton County Circuit Clerk.
- 3.98 PARKING, COMMERCIAL.** A paved area for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.
- 3.99 PARKS AND RECREATION.** A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.
- 3.100 PEDESTRIAN WAY.** A separate right-of-way dedicated to or reserved for public use by pedestrians, which crosses blocks or other tracts of land to facilitate pedestrian access to adjacent streets and properties.
- 3.101 PRINCIPAL BUILDING.** The building on a lot in which the principal use of the lot is conducted.
- 3.102 PRINCIPAL USE.** The chief or main recognized use of a structure or of land.
- 3.103 RECREATION AND ENTERTAINMENT, INDOOR.** An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.
- 3.104 RECREATION AND ENTERTAINMENT, OUTDOOR.** An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.
- 3.105 RECREATIONAL VEHICLE PARK.** The use of a site providing individual spaces for towed or self-propelled camping vehicles on a daily fee or short-term rental basis.
- 3.106 RESEARCH SERVICE.** An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

- 3.107 RESTAURANT, FAST-FOOD.** An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.
- 3.108 RESTAURANT, GENERAL.** An establishment, other than "fast-food restaurant," where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following:
- 3.108.1 A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are consumed.
  - 3.108.2 A cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.
- 3.109 RETAIL/SERVICE.** The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, Laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.
- 3.110 SAFETY SERVICES.** A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.
- 3.111 SCHOOL, ELEMENTARY, MIDDLE, or HIGH.** The use of a site for instructional purposes on a primary or secondary level.
- 3.112 SERVICE STATION.** An establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.
- 3.113 SETBACK.** The distance from the building line to the indicated lot line or the proposed right-of-way line whichever is nearer.
- 3.114 SIGN.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences,

emblems, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service or a commodity or product, which are visible from any public street or right-of-way and designed to attract attention. A sign shall not include such devices located within a building except for illuminated signs within show windows. A sign includes any billboard, but does not include the flag, pennant, or insignia of any state, city, or other political unit, or any political, charitable, educational, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

- 3.115 SIGN, BULLETIN.** A sign erected by a church, school, institution, or public agency on its premises for announcements.
- 3.116 SIGN, COMMERCIAL.** A sign which directs attention to a service, product, profession, business, or entertainment conducted, sold, or offered on the same lot.
- 3.117 SIGN, NAMEPLATE.** A sign bearing the name and/or address, occupation, and phone number of persons or uses occupying the premises.
- 3.118 SIGN, OFFICIAL.** Signs on public property for informing the public.
- 3.119 SIGN, OFF-PREMISES.** A sign that directs attention to a business, profession, event, entertainment, product, or service that is located, offered or sold somewhere other than on the premises.
- 3.120 SIGN, REAL ESTATE.** Temporary signs advertising the premises for lease, rent or sale.
- 3.121 STORAGE YARDS.** Outdoor areas used for storage of outdoor construction equipment and materials, salvage, items for retail and wholesale sales, and the like. All vehicles stored outside must be currently licensed.
- 3.122 STORY.** The horizontal segment of a building between the floor surface and the ceiling next above it, and wholly above grade.
- 3.123 USE.** Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.
- 3.124 UTILITY, MAJOR.** Generating plants, electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas, heat, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general offices, gas or oil processing, manufacturing facilities, postal facilities, or other uses defined herein.
- 3.125 UTILITY, MINOR.** Services and facilities of agencies that are under public franchise or

ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

- 3.126 VEHICLE AND EQUIPMENT SALES.** An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales. These provisions do not apply to machinery used for agriculture purposes.
- 3.127 VEHICLE REPAIR, GENERAL.** An establishment primarily engaged in painting of, or bodywork to, motor vehicles or heavy equipment. Typical uses include paint and body shops.
- 3.128 VEHICLE REPAIR, LIMITED.** An establishment primarily engaged in automotive repair other than paint and body shops.
- 3.129 VOCATIONAL SCHOOL.** A use providing education or training in business, commercial trades, language, arts, or other similar activity or occupational pursuit, and not otherwise defined as a "college or university" or "primary or secondary school."
- 3.130 WAREHOUSE, RESIDENTIAL STORAGE (MINI-WAREHOUSE).** An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.
- 3.131 WAREHOUSING.** The storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include truck terminals, major mail distribution centers, frozen food lockers, motor freight terminals, and moving and storage firms, but excluding "residential storage warehouses."
- 3.132 WELDING or MACHINE SHOP.** A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine, welding, and sheet metal shops.
- 3.133 YARD.** An open space on the same lot with a building, unobstructed from the ground upward, and measured as the minimum horizontal distance between the lot line and the main building.
- 3.134 YARD, FRONT.** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

**3.135 YARD, REAR.** A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

**3.136 YARD, SIDE.** A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

**3.137 ZONING OFFICIAL.** The Mayor or the Mayor's designee.

## **4. NONCONFORMING STRUCTURES AND USES**

### **4.1 CONTINUANCE OF USE**

4.1.1 Any lawfully established use of a structure or land, on the effective date of these regulations or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

4.1.2 Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

4.1.3 Any structure, for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

### **4.2 DISCONTINUANCE OF USE**

4.2.1 Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of these regulations, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

4.2.2 Whenever a nonconforming use of a structure or part thereof has been discontinued or abandoned for a period of six months or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

4.2.3 Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six months or more shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.

### **4.3 CHANGE OF USE**

- 4.3.1 The nonconforming use of any structure or portion thereof may be occupied by a similar or less intense nonconforming use as may be determined by the Zoning Official and/or Planning Commission, subject to appeal to the Board of Zoning Adjustment. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use. All changes of use and/or occupancy must comply with all applicable provisions of the Building Code.
- 4.3.2 A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations. If such nonconforming use or portion thereof is discontinued for a period of three months, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

### **4.4 REPAIRS AND ALTERATIONS**

- 4.4.1 Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted. Such structures may be expanded once, a maximum of 25% in gross floor area or expansion of 5,000 square feet, whichever is less.
- 4.4.2 Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.
- 4.4.3 No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
- 4.4.4 A structure that is nonconforming with respect to yards, height or any other element of bulk regulated by these regulations, shall not be altered or expanded in any manner that would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

### **4.5 ACCESSORIES TO PRIMARY NONCONFORMING USES**

- 4.5.1 Addition of, or enlargement, alteration or relocation of, accessories which are incidental to and accommodate the primary nonconforming use may be permitted if, after notices and public hearing and recommendation by the Planning Commission, the City Council finds that the accessory promotes the public health, safety, and welfare and does not expand or enlarge the primary nonconforming use.
- 4.5.2 The procedures for application and review shall be the same as those for a conditional use, with the exception that all notifications must make reference to a request for

“alteration, enlargement or relocation of use” instead of a request for a conditional use.

#### **4.6 DAMAGE AND DESTRUCTION**

If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed and used for the same purpose as it was before the occurrence; provided such repair or reconstruction is commenced within six months and completed within one year of the date of such damage or destruction. Failure to exercise this option within the time specified, shall be considered a voluntary abandonment and the structure may be rebuilt and used thereafter only for a conforming use, and in compliance with provisions of the district in which it is located.

#### **4.7 DISTRICT CHANGES**

Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses therein.

### **5. ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES**

#### **5.1 ZONING DISTRICTS ESTABLISHED**

The following zoning districts, which may be referred to by their abbreviations, are hereby established:

- 5.1.1 A Agriculture
- 5.1.2 R-E Estate Single-Family Residential – minimum lot size – 2 acres.
- 5.1.3 R-1 Single-Family Residential – minimum lot size – 1 acres.
- 5.1.4 R-2 Single-Family Residential – minimum lot size – 0.60 acres (26136 sq. ft.)
- 5.1.5 R-3 Single-Family Residential – minimum lot size – 9600 square ft; provided density shall not exceed three units/net acre (such as after dedications are made)
- 5.1.6 R-M Multi-Family Residential – 12 units per acre maximum
- 5.1.7 R-MH Manufactured Home – one unit/acre maximum
- 5.1.8 C-1 Downtown Commercial/Office
- 5.1.9 C-2 Highway Commercial
- 5.1.10 C-3 Neighborhood Commercial
- 5.1.11 I-1 Light Industrial
- 5.1.12 I-2 Heavy Industrial

#### **5.2 ZONING DISTRICT HIERARCHY**

References to less restrictive, more restrictive, less intensive and more intensive zoning

districts refer to the base zoning districts established above; and represent a progression from the "A" district as the least restrictive (or least intensive) base district to the "I-2" district as the most restrictive (or most intensive) base district. Overlay and special purpose districts are not included in the zoning district hierarchy.

### **5.3 ZONING DISTRICT BOUNDARY MAP.**

- 5.3.1 The location and boundaries of the zoning districts established herein are defined as shown on a map titled "Official Zoning Map of the City of Cave Springs, Arkansas," which is to be kept on file in the Office of the City Hall of Cave Springs, AR. This map, together with all explanatory data thereon, is hereby adopted, and declared to be a part of these regulations. The official zoning map shall be certified as such by signature of the Mayor, attested by the Recorder and/or Treasurer.
- 5.3.2 If, in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map after the amendment has been approved by the City Council.
- 5.3.3 No changes of any nature shall be made on the official zoning map or information shown on the Official Zoning Map, except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations, and punishable pursuant to misdemeanor provisions contained in Section 12.4.1 herein.
- 5.3.4 Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the official zoning map located in the Office of the City Hall of Cave Springs, AR shall be the final authority as to the current zoning status of property within the city limits of Cave Springs, AR.

### **5.4 INTERPRETATION OF DISTRICT BOUNDARIES**

- 5.4.1 Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the Zoning Official and/or Planning Commission shall employ the following rules in interpretations thereof. Decisions of the Zoning Official and/or Planning Commission are subject to appeal to the Board of Zoning Adjustment.
- 5.4.2 Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.
- 5.4.3 Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 5.4.4 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 5.4.5 Boundaries indicated as following waterways shall be construed to be following the



thread of the stream.

- 5.4.6 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5.4.7 Boundaries indicated as parallel to, or extensions of features mentioned in the preceding rules, shall be so construed.
- 5.4.8 Where distance is not specifically indicated on the official zoning map, as is typically the case with un-subdivided property, distance shall be determined by the scale of the map.

## **5.5 CLASSIFICATION OF ANNEXED LANDS**

All land annexed into the City of Cave Springs shall, upon the annexation's effective date, shall default to the zoning designation of A (Agriculture) Zoning District or such other zoning district as the Planning Commission shall deem appropriate and recommend to the City Council.

## **5.6 VACATION OF PUBLIC RIGHTS-OF-WAY.**

Whenever any street, alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the adjacent land.

# **6. DISTRICT REGULATION**

## **6.1 AGRICULTURE AND RESIDENTIAL DISTRICTS**

General description: Counting the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a "holding" zone for subsequent higher-density consideration, there are seven districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage a suitable environment for family life; and to provide choice in density, as well as in type of housing. Five of the districts are for low-density single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low-density, residential environment. One district is intended for medium-density single-family uses, and one exists for multi-family residential uses. More specific descriptions of the residential districts are as follows.

- 6.1.1 Purpose: The purpose of this district is to provide for a very low-density single-family district, while helping preserve existing agricultural resources, and to guide the conversion of these lands to higher-density residential use when appropriate. Agricultural areas should be protected for development by appropriate standards until they are well served by public facilities and services that will permit higher-density

residential development.

6.1.2 AGRICULTURAL-A. Intended to provide for agricultural activities and to protect flood areas from development.

6.1.2.1 PERMITTED USES - See Section SCHEDULE OF USES at the back of this document.

6.1.2.2 USES BY APPEAL TO THE PLANNING COMMISSION - The raising of any animals subject to the following conditions:

6.1.2.2.1 Anyone wishing to raise hogs, poultry, cattle, sheep, rabbits, or goats for a commercial nature shall submit to the Planning Commission a written statement setting forth the nature of the proposed operation. This would include how and where the animals would be housed on the site, the maximum number to be accommodated permanently on the site at any time and any other information the Planning Commission feels necessary in making decisions. The petitioners shall also submit a list of all property owners within one-half (1/2) mile in all directions of the exterior limits of the property and a signed petition by as many of those property owners as are in favor of the operation.

6.1.2.2.2 Anyone wishing to raise any other animal not listed in one (1) above shall submit to the Planning Commission a written statement setting forth the nature of the proposed operation. The statement should include the maximum number of animals to be accommodated at any one time, where and how they are to be housed and the closest off site residence other than the petitioners or an employee of the petitioners, to the proposed operation.

6.1.2.2.3 The Planning Commission, after review of all materials submitted, shall make its decision as to whether the proposed agricultural activity is appropriate in the location intended. The Planning Commission may, as a part of their approval, impose such conditions as it deems necessary to protect the health, safety, morals, and general welfare of surrounding property owners.

6.1.2.3 SETBACK REQUIREMENTS

6.1.2.3.1 The minimum area for dwelling and agriculture related buildings shall be ten (10) acres.

6.1.2.3.2 The setbacks for dwellings shall be the same as the R-1 - Residential District.

6.1.2.3.3 Front - Minimum thirty five (35) feet from the planning right-of-way as shown on the Master Street Plan.

6.1.2.3.4 Rear - Minimum twenty five (25) feet from rear lot line or center of alley if one exists or from the planning right-of-way as shown on the Master Street Plan.

- 6.1.2.3.5 Side (each) - Minimum seven (7) feet from each property line.
- 6.1.2.3.6 Street side - Minimum twenty five (25) feet from the planning right-of-way as shown on the Master Street Plan.
- 6.1.2.4 The setback for any structure related to the agricultural activity shall be:
  - 6.1.2.4.1 One hundred (100) feet from the planning right-of-way as shown on the Master Street Plan;
  - 6.1.2.4.2 One hundred (100) feet from the property line.
- 6.1.3 R-E, Estate Single-Family District: The purpose of this district is to accommodate single-family residential development on low-density, large-estate-type lots. This zone is intended to help establish and preserve rural/estate character in certain areas of the city.
  - 6.1.3.1 PERMITTED USES - See Section SCHEDULE OF USES. In addition, the following uses and their accessory uses are permitted on each lot:
    - 6.1.3.1.1 One single-family dwelling provided such dwelling shall be on its own lot or parcel of land including all required setbacks.
    - 6.1.3.1.2 Accessory uses, building, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use, and when located thirty (30) feet or more from the right of way of any public street, road, or highway.
    - 6.1.3.1.3 Farming, including all types of agriculture and horticulture such as flower, fruit, and vegetable gardening, field crops, vineyards and orchards, may be permitted in conjunction with a residential dwelling if such farming is for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.
    - 6.1.3.1.4 Small livestock farming involving the keeping of no more than one head per acre of cows, horses, sheep, goats, pigs, ostriches, emus or similar animals, provided they are properly fenced in or otherwise confined, may be permitted in conjunction with a residential dwelling if such small livestock farming is for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.
    - 6.1.3.1.5 Stables, barnyards and corrals may be permitted in conjunction with a residential dwelling if such stables, barnyards and corrals are for the use of the family residing on the lot or parcel as an incidental use thereto and NOT for commercial purposes.

- 6.1.3.1.6 Arboretum, fish and game management facilities, forest products (growing and harvesting), municipal facilities/utilities, parkways, and open water reservoirs (farm pond) may be permitted in conjunction with a residential dwelling if such is for the use of the family residing on the lot or parcel as an incidental use the lot and NOT for commercial purposes.
- 6.1.4 R-1, Single-Family Residential. The purpose of this district is to accommodate single-family residential uses on generously sized residential lots of at least one acre. This zone is generally applied on the fringe of built-up areas of the city, and may act as a buffer to R-E zones.
- 6.1.5 R-2, Single-Family Residential: This district is intended to provide single-family residential use's on moderately sized, low-density lots of at least 0.60 acre. This is the smallest lot size that will be considered low density.
- 6.1.6 R-3, Single-Family Residential: This district is characterized by single-family residential development on medium-sized lots of at least 9,600 square feet, with density not exceeding three units/net acre, such as after dedications are made. As with other residential zones, this district also serves as a buffer in providing for a step-down in intensity from higher- to lower-density residential and other types of development. It is the intent and desire of the city that R-3 zoned areas, which typically have smaller-sized lots, be served by municipal water and sanitary sewer service.
- 6.1.7 R-MH, Single-Family Residential: This district is to provide for replacement of manufactured homes on individually owned lots. Areas so classified must have all municipal services available. A maximum density in this district is one unit per acre.
- 6.1.8 R-M, Multi-Family Residential: This district is to provide for multi-family development, and is characterized by traditional apartment-type units in attached living complexes. Congregate housing for the elderly is also anticipated in this zone. Areas so classified must have all municipal services available. The maximum density in this district is 12 dwelling units to the acre.
- 6.2** *Uses permitted*. Uses permitted in the residential districts are set forth in the appendix "B" table which is located at the back of this document.
- 6.2.1 Where the letter "X" appears opposite a listed use and underneath a residential district, the use is permitted in that district "by right" subject to:
- 6.2.1.1 Providing off-street parking and loading facilities as required.
- 6.2.1.2 Providing landscaping and screening as provided herein and by Cave Springs Ordinances and Regulations.
- 6.2.1.3 Conformance with special conditions applying to certain uses as set forth in this Zoning Document.

6.2.2 Only one principal structure per lot shall be permitted in R-E, R-1, R-2, and R-3 single-family districts. In addition to the accessory uses provided for herein, an accessory structure may be permitted for sheltering a riding horse on a residentially zoned lot or parcel with a minimum area of two acres, provided:

6.2.2.1 The structure is at least 100 feet from adjacent property lines;

6.2.2.2 No more than two horses (per acre) are kept and sheltered on the property; and

6.2.2.3 The stall area does not exceed 450 square feet. In "A" districts, only one principal (dwelling) structure per lot shall be permitted.

6.2.3 Where the letter "C" appears instead of "X," the use is permitted subject to acquiring a conditional use permit as set forth herein. Where neither "C" nor "X" appears, and "blank space" appears in the table, the **USE IS NOT PERMITTED**.

6.2.4 All concentrated feedlot operations for livestock shall be subject to conditional use approval.

**SCHEDULE OF USES TABLE (pages 1 thru 5) IS LOCATED AT THE BACK OF THIS ZONING DOCUMENT AS APENDIX "B"**

### **6.3 ACCESSORY USES:**

6.3.1 Lot, yard, and height regulations: Except as otherwise provided herein, no lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements in the following table, nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows the table.

**SEE APENDIX "C" AT THE BACK OF DOCUMENT**

6.3.2 Maximum lot coverage (all buildings) shall not exceed 35% in A, R-E, R-1, and R-2 zones; and 40% in all other residential zones.

6.3.3 When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least 75% of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

6.3.4 Utility facilities, using land or an unoccupied building requiring less than 1,000 square feet of site area, are exempt from minimum lot size requirements of all districts.

6.3.5 Minimum lot size requirements shall not be interpreted as prohibiting the construction of

a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

- 6.3.6 Certain architectural features may project into required yards as follows:
- 6.3.6.1 Cornices, canopies, eaves, or other architectural features, may project a distance not to exceed 30 inches.
  - 6.3.6.2 Fire escapes may project a distance not exceeding four-and-one-half feet from the exterior wall of the building.
  - 6.3.6.3 An uncovered stair and necessary landings may project a distance not to exceed three feet, provided such stair and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three feet in height.
  - 6.3.6.4 Bay windows, balconies, and chimneys may project a distance not exceeding 30 inches, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
- 6.3.7 When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements
- 6.3.8 Setback averaging: Cave Springs **DOES NOT** recognize setback averaging.
- 6.3.9 When adjacent to R-E, R-1, R-2, R-3, R-M or R-MH districts, multi-family residential and nonresidential structures over one story or 15 feet in height shall have an additional eight-foot side and rear setback for every additional story or 15 feet in building height.
- 6.3.10 Single-family attached uses shall be exempt from interior side setback requirements, provided that end units within a single-family attached development shall comply with applicable side setback requirements. Such uses may also be exempted from lot width requirements.
- 6.3.11 Maximum height limitation is 35 feet in all residential zones with the exception of the A and R-M districts, where the limitation is 45 feet. Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flagpoles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval.
- 6.3.12 Minimal size dimension of all residential improvements shall be no less than 18 feet.

## 6.4 COMMERCIAL DISTRICT

**General Description:** Commercial Districts are principally intended for the provision of services, the conduct of business and retail trade essential to support residents within the city and surrounding area. Three (3) such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services in Cave Springs, AR.

- 6.4.1 C-1, Downtown Commercial/Office District: The C-1 District comprises that area generally referred to as "Downtown." Because of its unique and historic nature, properties within the district enjoy privileges not afforded other commercial or residential developments. The Zoning Ordinance does not require front yards or side yards in the Downtown Commercial District. Additional fire code protections as well as historic preservation requirements apply in this district, however, and redevelopment plans are closely monitored in order to maintain the design integrity of the district.
- 6.4.2 C-2, Highway Commercial District: The purpose of this district is to provide appropriate locations for commercial and retail uses that are convenient and serve the needs of the public. This district also provides locations for limited amounts of merchandise, equipment, and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are generally along heavily traveled arterial streets, where convenient access and high visibility exist. However, development of groupings of facilities shall be encouraged in the future, as opposed to less desirable strip commercial, such as that which exists along AR. Highway 112.
- 6.4.3 C-3, Neighborhood Commercial District: The C-3 District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas while maintaining a character in harmony with residential development. To this end, development in the C-3 District should harmonize in terms of form, bulk, height, materials, architecture, and overall design with surrounding residential areas. Signage and lighting should be subdued while landscaping and open space should be maximized. Parking areas should be as inconspicuous as possible, as should be loading and trash collection areas.

## 6.5 INDUSTRIAL DISTRICTS

These two (2) industrial zoning districts is intended to provide for the development of light to heavy intensity industrial uses and their related facilities. Certain commercial and other complementary uses are also permitted. Appropriate standards for the district are designed to assure compatibility with other similar uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include freight terminals, warehousing, wholesaling, packaging, storage, storage yards, fabrication, display and such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a

necessity to this district. Industrial uses must be screened from more restrictive uses.

- 6.5.1 I-1 Light Industrial District, the I-1 District is designed primarily to provide for general office, light manufacturing, assembly and accessory warehousing for products which present low risk of objectionable environmental and aesthetically offensive influences, have low traffic volumes and provide no health or safety hazards.
- 6.5.2 I-2 Heavy Industrial District, the I-2 District is designed primarily to minimize the high risk of deleterious, hazardous and environmentally objectionable uses of general manufacturing processes and storage facilities as well as provide for warehousing, heavy equipment repair and transportation facilities.

## **6.6 COMMERCIAL AND INDUSTRIAL USES PERMITTED**

Uses permitted in the foregoing districts are set forth in the following table.

**SEE (Schedule of Use) APPENDIX "B" IN THE BACK OF THIS DOCUMENT**

- 6.6.1 Where the letter "X" appears opposite a listed use and underneath a district, the use is permitted in that district "by right" subject to:
  - 6.6.1.1 Providing off-street parking and loading facilities as required by this Zoning Document
  - 6.6.1.2 Providing landscaping and screening as required by this Zoning Document
  - 6.6.1.3 Conformance with special conditions applying to certain uses as set forth in this Zoning Document.
- 6.6.2 **Commercial uses must be screened from more restrictive uses.**
- 6.6.3 Where the letter "C" appears instead of "X," the use is permitted subject to acquiring a conditional use permit as set forth in this Zoning Document. Where neither "X" nor "C" appears within the table and "blank space" appears, the **USE IS NOT PERMITTED.**
- 6.6.4 **SCHEDULE OF USES TABLE ARE LOCATED IN THE BACK OF THIS DOCUMENT, AS APPENDIX "B"**

## **6.7 NONRESIDENTIAL LOT, YARD, AND HEIGHT REGULATIONS**

- 6.7.1 No lot or yard shall be established or reduced in dimension or area in any nonresidential district that does not meet the minimum requirements in the table that follows, nor shall any building or structure be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in said table. A listing of supplements and exceptions to these regulations follows:



**6.7.2 DIMENSION REQUIREMENTS TABLE – LOCATED AT THE BACK OF THIS ZONING DOCUMENT ON APPENDIX “A”**

- 6.7.3 Size reduced for public purpose: When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least 75% of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.
- 6.7.4 Utility exemption. Utility facilities, using land or an unoccupied building requiring less than 1,000 square feet of site area, are exempt from minimum lot size requirements.
- 6.7.5 Setback reduced for public purpose. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 75% of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.
- 6.7.6 Setback averaging. **Cave Springs does not recognize Setback Averaging.**
- 6.7.7 Setbacks increased by height: When adjacent to single-family districts, multi-family residential and nonresidential structures over one story or 15 feet in height shall have an additional eight-foot side and rear setback for every additional story or 15 feet in building height.
- 6.7.8 Maximum height exclusions: Chimneys, smokestacks, ventilators, cooling and water towers, bulkheads, grain elevators and silos, utility and flag poles, belfries, spires and steeples, and monuments and ornamental towers, may be erected to any height not in conflict with the other city ordinances or federal regulations. Communication towers are exempt only to the extent authorized through conditional use approval, if such use is not a use permitted by right.
- 6.7.9 When a nonresidential zone abuts a residential zone, setbacks for both shall be the greater of the nonresidential district or the setback for the abutting residential zone.

**6.8 OVERLAY AND SPECIAL PURPOSE DISTRICTS.**

**General Description:** The purpose of overlay and special purpose districts is to provide for enhanced standards to protect and enhance the unique characteristics of specific areas and/or corridors, such as natural scenic beauty or manmade features, while providing for development opportunities. Examples of such purposes include promoting the safe and efficient use of specific roadways by controlling access and other traffic measures; encouraging the redevelopment of an area consistent with a particular design theme; giving special attention to landscaping, buffering, signage, lighting and building setbacks in those districts identified as needing special attention; and giving special attention to the existing architectural style or to the style which is planned, so as to create an easily identifiable area

in those areas identified as architecturally or historically significant.

- 6.8.1 The City Council, upon recommendation from the Planning Commission, may adopt overlay and special purpose districts as the needs are identified in order to implement specific purposes, intents, and design standards generally consistent with the City of Cave Springs 2005 Comprehensive Land Use Plan provisions for the area being regulated, which shall be applied as additional standards to other city regulations. The development criteria for each district shall be those standards as set out in each respective district that is adopted. Such districts shall be made a part of the zoning regulations through the standard amendment procedures, and upon adoption, the boundaries of such districts shall be delineated on the official zoning map.

## **7. CONDITIONAL USES**

### **7.1 NATURE AND DESCRIPTION**

Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as “conditional uses,” and may be located in the district or districts so designated only in accordance with the procedure described herein.

#### **7.1.1 DEVELOPMENT STANDARDS AND REVIEW GUIDELINES**

- 7.1.1.1 All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial developments from adjacent single-family areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site shall be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are marginally compatible, and shall also be provided for the beautification and enhancement of the property.
- 7.1.1.2 In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.
- 7.1.1.3 The proposed use is within the provision of “conditional uses,” as set out in these regulations.

- 7.1.1.4 The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- 7.1.1.5 The proposed use is so designated, located, and proposed to be operated, that the public health, safety and welfare will be protected.
- 7.1.1.6 The proposed land use is compatible with and will not adversely affect other uses in the surrounding area where it is proposed to be located.
- 7.1.1.7 The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of these regulations.
- 7.1.1.8 The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of these regulations.
- 7.1.1.9 The proposed landscaping and screening of the proposed use are in accordance with provisions of these regulations.
- 7.1.1.10 Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed.

## **7.2 PROCEDURE FOR AUTHORIZING**

The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

### **7.2.1 Application:**

- 7.2.1.1 An application shall be made by the property owner and filed with the Zoning Official and/or Planning Commission, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the City Council to defray processing costs. The application shall be accompanied by a graphic representation showing the location and proposed use of the site, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings.
- 7.2.1.2 Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

7.2.1.3 The filing deadline for inclusion on the Planning Commission agenda shall be the seven (7) days preceding the Planning Commission meeting, which is the first and third Tuesday of each month.

7.2.2 Notices:

7.2.2.1 Upon determining that an application is proper and complete, the Zoning Official and/or Planning Commission shall set for public hearing before the Planning Commission. The Zoning Official and/or Planning Commission shall be responsible for insuring that, pursuant to law, at least 15 days notice of the time, place, and subject of such hearing is published in a newspaper of general circulation in the city. All costs of publication(s) of public hearing notices shall be paid by the applicant.

7.2.2.2 The applicant shall present evidence to the Zoning Official and/or Planning Commission, at least 15 days prior to the required public hearing, that all property owners within 300 feet of the boundaries of the subject property have been notified of the proposed use, and of the time, date, and place of the hearing. Such evidence shall consist of postmarked, certified receipts and/or return receipts and/or dated, signed acknowledgments of receipt of notification, and shall be accompanied by a plat map showing the location of those properties, the owners of which the applicant certifies have been so notified.

7.2.3 Planning Commission review and action:

7.2.3.1 The Planning Commission shall review conditional use permit applications at its regularly scheduled monthly meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the Commission may approve the application as presented, approve it with conditions, table it with cause for not to exceed one month, deny the application, or refer it to the City Council for final disposition. Approval shall require an affirmative vote of a majority of the authorized membership of the Commission.

7.2.3.2 In approving such conditional uses, the Planning Commission shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable. If the Planning Commission disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant within 15 days from the date of the decision. If denied, no application for such use or similar use shall be permitted involving part of the same property for a period of six months.

7.2.3.3 The Planning Commission shall have final authority except that petitioners or record objectors aggrieved by an action, including any condition(s) placed upon application approval by the Planning Commission shall file appeals to the City Council with the City Recorder. The content of the appeal filing shall consist of:

- 7.2.3.3.1 A cover letter addressed to the Mayor and City Council setting forth the request; and
- 7.2.3.3.2 A copy of the Planning Commission application indicating the action and properly executed by the staff.
- 7.2.3.4 This filing shall occur within 15 calendar days of the final action by the Planning Commission. Certified mail notice to the City of the appeal hearing shall be provided not less than ten days prior to the date of the hearing, and the affidavit and other supporting evidence of notice shall be filed not less than five days prior to the date of review. This notice shall be given to all record parties in interest whether for or against the request. The cost of this notice shall be borne by the appellant.
- 7.2.3.5 In no case shall the Planning Commission or City Council authorize reduction from minimum requirements of these regulations relating to height, area, setbacks, parking, or landscaping. In addition, no conditional use authorized by the Planning Commission or City Council shall be subsequently considered in connection with a variance request to the Board of Zoning Adjustment.

### **7.3 EFFECT OF APPROVAL**

- 7.3.1 No building permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval.
- 7.3.2 Substantial work or construction under a conditional use permit must be commenced within one year, or the permit shall terminate. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the Planning Commission, which may extend it for an unlimited period or for an additional period of years.
- 7.3.3 All existing conditional uses that are discontinued for more than one year shall be rendered null and void, and shall not be reestablished without Planning Commission approval of a new conditional use.
- 7.3.4 Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of these regulations

and cause for revocation of the conditional use authorization.

- 7.3.5 Provided sufficient site information is submitted with the approved development plan, the Planning Commission may waive otherwise-mandated site plan review requirements.

## **8. ACCESSORY USES**

- 8.1.1 **GENERAL DESCRIPTION:** An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings, site-built architecturally compatible with the principal structure, and located upon the same lot therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.

### **8.1.2 LOCATION REQUIREMENTS AND STANDARDS**

- 8.1.2.1 An accessory building shall not be located within a required street (front or street side) setback, shall be subject to the side setback standards of the underlying zoning district, shall be set back at least ten feet from a rear lot line, shall not be located within any public easement or over any known utilities or septic system lines, and shall not occupy more than 10% of the lot area, or more of the lot than is covered by the principal use, whichever results in less lot coverage. Accessory buildings, in all zones except "A" zones, shall not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, signs, fences and walls shall be allowed within setbacks.
- 8.1.2.2 An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet from any other structure or as provided in the Building Code, whichever is more restrictive.
- 8.1.2.3 With regard to height limitations, accessory structures in residential districts shall not exceed the height of the primary structure, measured from the eave; and in commercial and industrial districts, such structures shall not exceed 25 feet in height or the height of the principal structure on the lot.

## **8.2 RESIDENTIAL ACCESSORY USES**

- 8.2.1 Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: fences and walls; garages, carports, and off-street parking and loading areas; gardens; gates and guard houses; home occupations [subject to limitations

and requirements of category 1 and 2 listed below] playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental, and subordinate to the principal use on the lot.

- 8.2.2 A nameplate sign, that is, a sign bearing the name and/or address, occupation, and communication number of a person or use occupying the premises, shall be permitted as a residential accessory use. Such sign shall be unanimated and non-illuminated, not over two square feet in area, and placed flat against a wall or door of the principal building. In addition, a real estate sign, that is, a temporary sign advertising the premises for lease, rent, or sale, is also permitted as an accessory use. Such sign shall be unanimated and non-illuminated, shall not exceed six and one-fourth square feet in area, and shall not be placed on any public right-of-way.
- 8.2.3 *Home occupations permitted.* A home occupation shall be allowed as an accessory use in residential districts, subject to compliance with the following requirements, which are intended to balance protection of residential character with enabling residents to work from home:
- 8.2.3.1 The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner. A nameplate sign, as described above, shall be permitted.
- 8.2.3.2 The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
- 8.2.3.3 The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
- 8.2.3.4 The home office or business does not cause interference with radio or television reception in the vicinity.
- 8.2.3.5 Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
- 8.2.3.6 The home office or business sells no articles on the premises that are not produced on the premises.
- 8.2.3.7 A home occupation shall be carried on wholly within the principal residential structure. No home occupations shall be allowed in accessory buildings or garages.
- 8.2.3.8 The home office or business occupies no more than 10% of the total floor area of the residence.

- 8.2.3.9 There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
- 8.2.3.10 Not more than one truck of not more than one-and-one-half-ton capacity and no semi-trailers, incidental to the home occupation, shall be kept on the premises, except as allowed by conditional use.
- 8.2.3.11 Customers may visit the site only during the hours of 8:00 a.m. to 8:00 p.m., and no more than six customers or clients may visit the site in any single day.
- 8.2.3.12 **Parking** to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.
- 8.2.4 *Home occupations prohibited.* Prohibited home occupations include, but are not limited to the following:
- 8.2.4.1 [Redacted]
- 8.2.4.2 Dispatch centers, where workers come to the site to be dispatched to other locations.
- 8.2.4.3 Commercial stables, kennels, and animal boarding and care facilities.
- 8.2.4.4 Assembly or repair of large appliances.
- 8.2.4.5 Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
- 8.2.4.6 *Garage sales.* Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided they meet the following requirements:
- 8.2.4.6.1 Each such sale shall be registered in writing or by telephone with the City of Cave Springs.
- 8.2.4.6.2 Each property address and/or person shall be limited to no more than four such sales per year.
- 8.2.4.6.3 Sales shall not last longer than two consecutive days.
- 8.2.4.6.4 Sales are conducted on the owner's property. Multiple-family sales are permitted, if they are held on the property of one of the participants.
- 8.2.4.7 No goods purchased for resale may be offered for sale.
- 8.2.4.8 No consignment goods may be offered for sale.



8.2.4.9 Directional and advertising signs, not larger than four square feet, **shall be free-standing** - that is, they shall not be placed on traffic or official signs, utility poles or trees, and shall be removed promptly after completion of the sale.

### **8.3 NONRESIDENTIAL ACCESSORY USES**

Nonresidential accessory uses are allowed only in association with permitted, nonresidential principal uses and shall include, but not be limited to, the accessory uses, activities, facilities, and structures enumerated below. Such uses shall not be allowed if such would cause or increase parking that is nonconformity for the principal use. Such use may also necessitate additional required parking because of its own nature or character. Accessory uses shall not occupy required parking areas, or off-street parking areas (spaces or isles) approved as part of a site plan. Nonresidential accessory uses include, but are not limited to:

- 8.3.1 Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use.
- 8.3.2 Dwelling units, other than manufactured homes, when used or intended to be used for security or maintenance personnel.
- 8.3.3 Guard houses, gates, fences and walls.
- 8.3.4 Offices for allowed business and industrial uses when the office is located on the same site as the principal use.
- 8.3.5 Parking garages, and off-street parking and loading facilities.
- 8.3.6 Radio and television receiving antennas.
- 8.3.7 Restaurants, newsstands, gift shops, swimming pools, tennis courts, workout rooms, clubs and lounges when in a permitted hotel, motel or office building.
- 8.3.8 Sale of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use.
- 8.3.9 The storage of merchandise when located within the same building as the principal business.
- 8.3.10 On-premise commercial, bulletin, nameplate, and real estate signs provided such are non-flashing.
- 8.3.11 Other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.

## **9. SPECIAL CONDITIONS APPLICABLE TO CERTAIN**

## USES

**GENERAL:** Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this chapter.

### 9.1 ADULT ENTERTAINMENT

All adult entertainment uses shall be subject to the following standards:

- 9.1.1 *Separation from other adult entertainment uses.* The building housing an adult entertainment use shall not be located within 2,640 feet of any other adult entertainment use. This 2,640 foot area shall be defined by a radius of 2,640 feet measured from the exterior wall of the subject building.
- 9.1.2 *Separation from other uses.* The building housing an adult entertainment use shall be located at least 1,320 feet from the following uses: church; library; day care center; elementary, middle or high school; and single-family, duplex or multi-family residential uses. This distance shall be defined by a radius of 1,320 feet, measured from the exterior wall of the subject building.
- 9.1.3 *Prohibited activities.* An adult entertainment use shall not be conducted in any manner that provides the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," from any public right-of-way. This provision shall apply to any and all displays, decorations or show windows.

### 9.2 WRECKER SERVICE

- 9.2.1 A wrecker service is a business enterprise from which wrecker vehicles are dispatched to tow or haul inoperable or wrecked motor vehicles, and may or may not include the temporary storage, for a period not to exceed 30 days, of such vehicles. All temporary storage of said wrecked or inoperable motor vehicles shall be screened entirely within an enclosed opaque fence or wall, except driveway areas, from eight feet in height, and containing no advertising thereon. Temporary storage between the street and such fence, or on any street right-of-way, is expressly prohibited. A period of 18 months from the effective date of these regulations shall be allowed for existing uses to comply with these screening requirements. After this period those not in compliance shall be deemed in violation.

### 9.3 WRECKING, SALVAGE AND JUNKYARDS

Because of the nature and character of their operations, motor vehicle wrecking and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for a

vehicular wrecking or junkyard properly minimizes its objectionable characteristics, the standards established below shall be used.

- 9.3.1 *Location.* Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 300 feet to any residential district.
- 9.3.2 *Screening.* The interior area of any existing salvage or wrecking operation shall be screened from view by fencing, not to exceed eight feet in height, within 18 months after the effective date of these regulations, and wrecking yards shall be so screened as a condition of approval. Such screening shall be uniform, consistent, and neat in appearance, and shall be properly maintained during the life of the use. No advertising, with the exception of one identification sign not exceeding 12 square feet, shall be placed on said screening. Storage between the street and such screening is expressly prohibited, as is the stacking of such vehicles above or beyond such screening.

## **9.4 CAR WASHES**

Car washes and similar such establishments shall provide paved parking for at least five vehicles, plus 50 feet of stacking space for vehicles. Where any such use is located on a lot abutting a residential district, and where any part shall be built along such line, any entrance or exit shall be by way of a major street. Wastewater from such establishments shall not be allowed to run into the street or storm sewer; rather, such discharge of wastewater shall be into a sanitary sewer as provided by relevant provisions of Cave Springs Ordinances and Regulations.

## **9.5 EMERGENCY HOUSING UNIT**

- 9.5.1 Emergency housing units may be approved as conditional uses in A, R-E, R-1, R-2 and R-3 districts, for the purpose of providing temporary accommodations for persons in need of daily assistance due to health reasons. The following regulations shall apply to emergency housing units:
- 9.5.2 *Hardship.* Before approving a conditional use for an emergency housing unit, the Planning Commission shall determine that the applicant has a special need to provide temporary, nearby living quarters for a relative who needs daily assistance due to health reasons. The applicant shall provide proof of such hardship, evidenced by a letter from a physician or other appropriate professional. The Commission shall also determine that allowing an emergency housing unit would alleviate a social, economic or physical hardship for the resident of the principal dwelling or the resident of the emergency unit. Consideration of the effect on adjoining property shall also be factored into the Commission's decision.
  - 9.5.2.1 A permit granted for such purposes shall expire no later than one year from the date of approval.
  - 9.5.2.2 The Commission may approve a one-time extension of up to one year of this period

if the applicant applies for such extension within the original one-year time period.

9.5.3 *Unit type.* Only manufactured housing units may be approved for emergency placement.

9.5.4 *Removal.* Upon expiration of a conditional use permit for an emergency housing unit:

9.5.4.1 The unit shall be promptly vacated.

9.5.4.2 Within 90 days of permit expiration, be removed from the premises.

## **9.6 FLOODPLAIN DEVELOPMENT**

The designated floodplain area is inclusive of all land within the city subject to inundation by floodwater. The source of this delineation shall be the Federal Emergency Management Agency's scientific and engineering report titled "The Flood Insurance Study for Benton County, Arkansas and Incorporated Areas," including the flood insurance rate maps for the City of Cave Springs.

9.6.1 The uses of and/or development of land within the designated floodplain area shall be only those uses and structures permitted in the specific district regulations for the zone in which the proposed use and/or development is to be located. For the purposes of administration and review of applications for the use and/or development of land within designated floodplain areas, the City of Cave Springs's Flood Damage Prevention Code is deemed the governing regulations.

## **9.7 MANUFACTURED HOUSING PARKS**

Manufactured housing parks may be permitted as conditional uses in R-M districts. The following minimum standards apply to new parks, and expansions of existing parks:

9.7.1 *Setbacks.* Each manufactured housing unit space shall be set back at least 30 feet from all street right-of-ways, and at least 20 feet from all other lot lines.

9.7.2 *Minimum lot size and space size.* Manufactured housing parks shall contain at least 4,350 square feet of gross site area, for each manufactured housing unit space within the park. Each individual manufactured housing unit space shall be at least 3,000 square feet in area, but shall not occupy more than 50% of the lot area.

9.7.3 *Separation of units.* Each manufactured housing unit and accessory structure shall be separated, by at least 20 feet of horizontal distance from all other manufactured housing units and accessory structures.

9.7.4 *Parking.* At least two paved parking spaces, 180 square feet in area in each space, shall be provided, as a part of each manufactured housing unit space.

9.7.4.1 To provide for guests, one additional paved parking space, at least 180 square feet in

area, shall be provided for every ten manufactured housing unit spaces. These guest parking spaces shall be centrally located within the park.

#### 9.7.5 *Driveways.*

9.7.5.1 *Length and design.* Internal driveways or courts designed to have one end permanently closed, shall be no more than 400 feet long unless approved by the Planning Commission. A turn-around having an outside roadway diameter of at least 80 feet shall be provided at the closed end of any driveway.

9.7.5.2 *Paving.* All internal driveways shall be paved with asphalt. The minimum requirements are, six inches of compacted SB2 gravel with three inches of asphalt surface on firm sub grade.

9.7.5.3 Property owners shall be responsible for maintaining paving on all internal driveways.

9.7.5.4 *Width.* Drives shall have a minimum paved width of 26 feet. One-way drives are prohibited.

9.7.6 *Signs.* One detached, indirectly illuminated sign, not exceeding 20 square feet in area may be erected at the main entrance to the manufactured housing park.

9.7.7 *Refuse collection facilities.* Refuse collection facilities and/or provisions shall be indicated on the site plan, and shall be provided in accordance with city standards. There shall be opaque screening on three sides of dumpsters.

9.7.8 *Fire protection.* Fire lines and fire hydrants shall be shown on the site plan, and shall be provided, in accordance with recommendations of the Fire Marshal. No manufactured housing unit space shall be more than 250 feet from a fire hydrant.

9.7.9 *Water and wastewater service.* Each manufactured housing unit shall be connected to a public sanitary sewer and a public water supply system.

9.7.10 *Underground utilities.* All light, gas, water, telephone and cable television distribution and line services to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.

9.7.11 *Inspections.* It shall be the duty of the Building Inspector to make an annual inspection of each (approved) manufactured housing park, and present to the park owner and unit owner, with a written list of existing violations, should there be any.

9.7.12 *Resident managers.* In manufactured housing parks containing 30 or more units, a manager must, reside within the park area.

## 9.8 MANUFACTURED HOUSING UNITS

Manufactured housing units--those that do not meet the definition of manufactured housing unit, residential design--shall be considered permitted uses only in R-MH districts. Compliance with the standards outlined in the following section, are required. No permit or other approval shall be granted for the placement of a mobile home in the corporate limits. Exchange or replacement of existing manufactured housing units shall only be permitted in R-MH zones.

## **9.9 MANUFACTURED HOUSING UNITS, RESIDENTIAL DESIGN**

Compliance with all of the standards of this section is required in order for a manufactured housing unit to be classified as a residential design, manufactured housing unit.

### **9.9.1 *Size.***

9.9.1.1 The minimum width of a manufactured housing unit, residential design shall be 24 feet, with width measured perpendicular to the longest axis at the narrowest part.

9.9.1.2 The length of a manufactured housing unit, residential design shall not exceed four times its width, with length measured along the longest axis.

9.9.1.3 A manufactured housing unit, residential design shall have a minimum area of 1,200 square feet enclosed and heated living area.

9.9.1.4 The roof must be predominantly double-pitched and have a minimum vertical rise of four inches for every 12 inches of horizontal run.

9.9.2 *Materials.* The roof must be covered with material that is customarily used on site-built housing units. Customary materials include asphalt composition or fiberglass shingles.

9.9.3 *Eaves.* The roof shall have a minimum eave projection and roof overhang of ten inches which may include a gutter.

### **9.9.4 *Siding.***

9.9.4.1 *Materials.* Exterior siding must be of a material customarily used on site-built housing units. Customary materials include wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials. Customary materials do not include smooth, ribbed or corrugated metal, or plastic panels or materials that have a high-gloss finish.

9.9.4.2 *Design and placement.* Siding material shall extend below the top of the foundation or curtain wall or the joint between the siding and enclosure wall shall be flashed in accordance with the city's adopted Building Code.

### **9.9.5 *Installation of unit.***

- 9.9.5.1 *Guidelines.* The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Building Code, as adopted by the State of Arkansas, as well as those established by the Arkansas Manufactured Home Commission.
- 9.9.5.2 *Foundation.* A continuous, permanent concrete or masonry foundation or masonry curtain wall: un-pierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the unit; also in accordance with the above referenced requirements.
- 9.9.5.3 *Entrance landing area.* At the main entrance door to the unit, there shall be a landing of a minimum of 9 square feet, constructed in accordance with Building Code requirements.
- 9.9.5.4 *Transport equipment.* All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.
- 9.9.5.5 *Finished floor elevation.* The finished floor of the unit shall meet the manufacturer's specifications, unless the unit is located in a floodplain, in which case floodplain regulations shall rule.
- 9.9.5.6 *Additions.* Attached additions and detached garages shall comply with the Building Codes, and floodplain regulations if applicable. All standards of this section shall apply to such additions and garages.

## **9.10 SIGN REGULATIONS**

The City Council of the City of Cave Springs recognizes the valid use of signs for advertising and identifying locations within the community. The City Council also recognizes that unrestricted use of signs can create visual pollution, traffic hazards and general disarray of the community and for these reasons feels it necessary to limit the use of signs within Cave Springs. The Zoning Administrator or the Code Enforcement Officer shall have the authority to order the removal of any sign which is in violation of Cave Springs Ordinances and Regulations.

# **10. GENERAL STANDARDS**

## **10.1 OFF-STREET PARKING AND LOADING**

### **10.1.1 Applicability:**

Off-street parking and loading shall be provided in accordance with the regulations of this section for all new development, and for any existing development that is altered in a way that enlarges or increases capacity by adding or creating dwelling units, guest rooms, floor area or seats.

10.1.2 Parking and Loading Schedules:

10.1.2.1 *Off-street parking, Schedule A.* Off-street parking spaces shall be provided in accordance with the following off-street parking schedule ("Schedule A"). In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B.

10.1.2.2 The number of parking spaces required for a use not listed herein shall be the same as for a similar use that is listed. When the required number of spaces cannot be ascertained by this method, or if the applicant and the city staff cannot agree, the matter shall be submitted for Planning Commission determination. Such determination shall be subject to appeal to the City Council.

10.1.2.3 See schedule A and B in back of this document for parking.

10.1.3 Computing off-street parking and loading requirements:

10.1.3.1 *Multiple uses.* Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.

10.1.3.2 *Fractions.* When measurements of the number of required spaces result in fractions, fraction of one-half or less shall be disregarded and any fraction of more than one-half shall be rounded upward to the next highest whole number.

10.1.3.3 *Area.* Unless otherwise noted in these provisions, all square footage-based parking and loading standards shall be computed on the basis of gross floor area.

10.1.3.4 *Employees, students and occupant-based standards.* For the purpose of computing parking, requirements based on the number of employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable and whichever results in the greater number of spaces.

10.1.4 Americans with Disability Act (ADA) requirements: Pursuant to federal ADA standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities. Responsibility for compliance with ADA, in all respects, shall rest with the applicant

10.1.5 Location and design of off-street parking and loading spaces:

10.1.5.1 *On-site.* Except as otherwise specifically provided, required off-street parking and loading spaces shall be located on the same lot as the principal use.

10.1.5.2 *Right-of-way.* Off-street parking spaces shall be prohibited within the public right-of-way, and no portion of the abutting street right-of-way shall, except for the



driveway, be paved or used in any manner except as green area.

10.1.5.3 *Setbacks.*

10.1.5.3.1 In R-E, R-1, R-2, R-3 and R-MH districts, required off-street parking shall not be located within a street (front or street side) setback. Parking in excess of the required number of spaces is allowed in the street setback, but not off the driveway, and not in a manner that obstructs sidewalks or visibility.

10.1.5.3.2 Where parking is to be provided in the street setback of a multi-family dwelling, there shall be established a parking setback line of ten feet. The area between the parking setback line and the front lot line shall be prepared and planted with grass, shrubs, trees, or ground cover not inconsistent with other landscaping provisions contained herein, and protected by interior curbing.

10.1.5.3.3 In all commercial and industrial districts, required parking is allowed within the street setback; however, public right-of-way except for the driveway, shall not be graveled or hard-surfaced.

10.1.5.4 *Ingress and egress.* Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to “back” onto a public right-of-way, except single-family and duplex residential development on local and collector streets.

10.1.5.5 *Surfacing.* All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt, concrete or brick; provided driveways serving single-family dwellings shall only be required to be paved the first 50 feet as measured from the street, except in “A” Agriculture zoning districts. The area of a driveway located between the edge of the street and the property line, shall also be paved.

10.1.5.6 *Drainage.* All off-street parking and loading areas shall be designed with drainage facilities which are adequate to dispose of all storm water, and to not increase the storm water runoff onto the surface of adjoining properties or streets.

10.1.6 Curbing. The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of single-family and duplex residences. Landscape islands and other interior features within parking lots shall also be protected by curbs. In addition, the principal building on the lot shall be protected by curbs and/or raised walkways. Rollover curbs shall not be permitted, and wheel-stops are expressly prohibited as alternatives to meeting curbing requirements. The area between the curb and the property line, except for the driveway(s), shall be maintained as green space.

10.1.7 Striping. Off-street parking areas containing five or more spaces shall have parking spaces delineated by pavement striping.

- 10.1.8 Parking space dimensions. Off-street parking spaces shall contain a minimum area of at least 180 square feet, with a minimum width of nine feet and a minimum length of 18 feet.
- 10.1.9 Loading space dimensions. Off-street loading spaces shall be at least 14 feet by 45 feet in size, with a minimum height clearance of 18 feet.
- 10.1.10 Aisle dimensions. Drive aisles within off-street parking lots shall comply with the following minimum width requirements:

<b>Parking Angle (degrees)</b>	<b>One-Way Aisle</b>	<b>Two-Way Aisle</b>
90	24 feet	24 feet
60	18 feet	24 feet
45	16 feet	24 feet
30	13 feet	24 feet

- 10.1.11 Timing of construction. All required parking and loading spaces, driving aisles, and access ways shall be constructed prior to the issuance of a certificate of occupancy, provided that a temporary certificate of occupancy may be issued by the city's Inspection Official if it is determined, based on information provided by the applicant, that inclement weather or other factors beyond the control of the applicant have prevented compliance with this "timing" requirement. Before approval of a temporary certificate of occupancy, the parking area sub grade and SB2 stone base shall be compacted in accordance with the city's construction standards. The temporary certificate of occupancy shall expire at the end of 120 days or within such shorter timeframe specified by the Inspection Official at the time of approval of the certificate.
- 10.1.12 Use of off-street parking and loading spaces. Required off-street parking spaces shall be used solely for the parking of motor vehicles in operating condition, and shall not be used for the storage of vehicles, boats, motor homes, campers, manufactured homes, materials, tractor trailers or other temporary storage unless they are located in a designated staging area and are screened, fenced or otherwise fully shielded from public view.
- 10.1.13 Off-site parking. Required off-street parking shall be located on the same lot as the use it is intended to serve; provided that a portion, not to exceed 25%, of the required off-street parking spaces may be located on a remote and separate lot from the lot on which the principal use is located, if the off-site parking complies with the following standards:
- 10.1.13.1 Ineligible activities. Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, convenience stores, or other convenience-oriented uses.
- 10.1.13.2 Location: No off-site parking area shall be located more than 80 feet from the

required parking lot of the use served, unless a shuttle service is provided. Distance shall be measured along the shortest legal, practical walking route.

10.1.13.3 Zoning classification. Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.

10.1.14 Agreement for off-site parking: In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement shall be required. An attested copy of the agreement between the owners of record shall be submitted to the Zoning Official and/or Planning Commission for recording. In addition, whether under the same ownership or not, a legal document to prevent development of the off-site parking area shall be executed and recorded. Recording of the agreement(s) shall take place before issuance of a building permit for any use to be served by the off-site parking area, or in the case of an existing building, prior to issuance of a certificate of occupancy.

10.1.14.1 *Shared parking.* The Zoning Official and/or Planning Commission, subject to appeal to the Board of Zoning Adjustment, may authorize a reduction in the number of required parking spaces for multiple use developments, and for uses that are located near one another that have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

10.1.14.2 *Location.* Shared off-street parking spaces shall be located no further than 300 feet from the building and uses they are intended to serve unless shuttle service is provided.

10.1.14.3 *Study.* An acceptable parking study provided by the applicant shall be submitted which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month, or year.

10.1.14.4 *Agreement.* A shared parking plan shall be enforced through written agreement. Proof of recording of the agreement shall be presented prior to issuance of a building permit.

10.1.14.5 *Revocation of certificate of occupancy.* Failure to comply with the shared parking provisions of this chapter, shall constitute a violation of these regulations, and shall specifically be cause for revocation of a certificate of occupancy.

10.1.14.6 *Outdoor parking/storage of boats, trailers, and recreational vehicles.* One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

10.1.14.6.1 The boat, trailer or recreational vehicle is owned and used by a resident of the premises;

10.1.14.6.2 The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and

the street, except for the purpose of loading or unloading during a period of less than eight hours;

10.1.14.6.3 The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight hours;

10.1.14.6.4 The boat, trailer and/or recreational vehicle is located in the side or rear yard;

10.1.14.6.5 The boat, trailer and/or recreational vehicle is not used for living, sleeping or housekeeping purposes;

10.1.14.6.6 The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law; and

10.1.14.6.6.1 The area must be kept free of weeds and debris.

10.1.15 Vehicles stack space for drive-through facilities. In addition to meeting the off-street parking requirements of the section, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards.

10.1.15.1 *Stack space schedule:*

10.1.15.1.1 Fast-food restaurants, 110 feet, as measured from the order station.

10.1.15.1.2 Banks, 70 feet, as measured from the teller drop.

10.1.15.1.3 Automatic car washes, 50 feet, as measured from the entrance.

10.1.15.1.4 Other uses, 30 feet, as measured from the pick-up window.

10.1.15.2 *Design and layout*

10.1.15.2.1 Vehicle stack spaces shall be subject to the following design and layout standards.

10.1.15.2.2 Stack spaces shall be designed so as not to impede pedestrian access to the building, on and off-site traffic movements, or movements into or out of parking spaces.

10.1.15.2.3 Stack space lanes shall be a minimum of eight feet wide, and shall be separated from other internal driveways with painted lines or curbing.

## 10.2 DRIVEWAYS AND ACCESS--MULTI-FAMILY AND

## NONRESIDENTIAL USES

The following standards shall apply to all driveways providing access to multi-family and nonresidential uses.

### 10.2.1 General standards:

- 10.2.1.1 Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.
- 10.2.1.2 Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to site plan approval. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.
- 10.2.1.3 Provisions for circulation between adjacent parcels should be provided through a coordinated or joint parking system.

### 10.2.2 Driveway spacing:

- 10.2.2.1 *Arterial streets.* Direct access to any arterial street shall be limited to the following restrictions:
- 10.2.2.2 *Spacing from signalized intersections.* All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection and is at least 120 feet from the perpendicular curb face of the intersecting street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.
- 10.2.2.3 *Spacing from other (non-signalized) access points.* All driveways providing access to arterial streets shall be constructed so that the point of tangency of the curb return radius closest to any non-signalized street or driveway intersection is at least 80 feet from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.
- 10.2.2.4 *Collector streets.* Direct access to collector streets shall be regulated, in accordance with the following standards:
  - 10.2.2.4.1 *Spacing from signalized intersections.* All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at

least 120 feet from the perpendicular curb face of an intersecting arterial street and 80 feet from the perpendicular curb face of an intersecting collector or local street. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.

- 10.2.2.4.1.1 Spacing from other (non-signalized) access points. All driveways providing access to collector streets shall be constructed so that the point of tangency of the curb return radius closest to a non-signalized street or driveway intersection is at least 80 feet from the perpendicular curb face of the intersecting street or driveway. In the event that this standard cannot be met because of an unusually narrow or shallow lot size, a reduction in spacing may be approved as long as the reduction does not result in an unsafe traffic condition.

#### 10.2.3 Driveways per parcel:

- 10.2.3.1 At least one driveway shall be permitted for any lot. Shared driveways shall be recommended for lots that have less than 120 feet of frontage.

- 10.2.3.2 Individual driveways shall be located a minimum of ten feet from the side property lines. A separation of at least 20 feet is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than 50 feet to each other.

- 10.2.3.3 Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than five feet to the beginning of the curb radius.

- 10.2.4 Ingress/egress driveway width: The width of the driveway throat shall not exceed 40 feet in width. Driveway lanes shall be a minimum of 13 feet in width and shall not have more than three lanes in one entrance/exit.

#### 10.2.5 Responsibility of owner for illegally parked vehicle.

- 10.2.5.1 No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street in the city in violation of any provision of this article regulating the standing or parking of vehicles.

### 10.3 **Parking Prohibited on Certain Streets**

- 10.3.1 When signs are erected on any street or part of a street giving notice thereof, no person shall park a vehicle on the side or sides of any such street or part of such street so designated for no parking.

#### **10.4 No Parking on street in Residential areas or certain streets during certain hours**

10.4.1 No person shall stand or park a vehicle on a public street in a residentially zoned area between 12:00 a. m. (midnight) and 5:00 a.m.

10.4.2 When signs are erected on any street or part of a street giving notice thereof, no person shall stop, stand or park a vehicle on any street or part of a street in each block so designated by the signs.

#### **10.5 Parking of common carriers, trucks, tractors**

10.5.1 No person shall park, store or leave standing a commercial truck, tractor-trailer trucks, or the chassis or trailer thereof, upon a conventional or non conventional driveway for any purpose in or on a residential, or residential-zoned, area.

#### **10.6 Parking of common carriers, trucks, tractors, recreational vehicles, trailers, boats and boat trailers on public streets prohibited**

10.6.1 No person shall park store or leave standing a truck, tractor or trailer with a capacity of three-quarter ton or larger, or the chassis thereof, or any recreational vehicle, trailer, boat or boat trailer upon a public street or permit any of these vehicles or trailers under their control to be parked, stored or left standing upon a public street; nor shall any person use any street, for the purpose of repairing or reconditioning any of these vehicles or trailers, except when such repairs are necessitated by an emergency.

10.6.1.1 This restriction shall not be deemed to prevent temporary location of any such vehicle in on a public street when engaged in delivery, pickup, or service to the premises where located.

10.6.2 No person shall stand or park such vehicles so as to impede the convenient pedestrian use of a sidewalk or in any manner that impedes vehicular access to a public street from a driveway, private road, or other public street.

#### **10.7 LANDSCAPING AND SCREENING**

This section sets out the minimum landscaping and screening requirements for new development in the city.

##### **10.7.1 Applicability exemptions:**

The following shall be exempt from the standards of this section:

10.7.1.1 *Residential.* The A, R-E, R-1, R-2 and R-3 districts shall be exempt from all standards of this section, provided such standards shall apply to manufacturing home parks.

- 10.7.1.2 *Existing development-changes in use.* Improvements or repairs to existing developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

10.7.2 General landscaping requirements:

In the absence of a landscape plan approved by the Planning Commission, the following general landscaping requirements shall apply to all development:

- 10.7.2.1 *Landscaping required.* All multi-family development of five units or more, and all commercial development shall be required to provide at least one tree or three 5-gallon shrubs per unit within the development.

- 10.7.2.2 *Location.* Landscaping required pursuant to this section shall be installed between, the property line and the required street setback areas.

10.7.3 Parking lot landscaping.

In the absence of a landscape plan approved by the Planning Commission, the parking lot landscaping standards of this section shall apply to the interior of all off-street parking areas containing more than ten off-street parking spaces. They shall not apply to vehicle and equipment sales lots or storage areas, multi-level parking structures, or areas devoted to drive-through lanes.

- 10.7.3.1 *Relationship to other landscaping standards.* Trees provided to meet the above general landscaping requirements may be used to meet a development's parking lot landscaping requirements.

- 10.7.3.2 *Required landscaping.* In the absence of a landscape plan approved by the Planning Commission, at least one tree or three 5-gallon shrubs shall be provided for every ten parking spaces and fraction thereof within an off-street parking area.

- 10.7.3.3 *Location.* Required landscaping shall be reasonably dispersed throughout the off-street parking areas.

- 10.7.3.4 *Planting areas.* Planting areas that contain trees shall be at least seven feet wide and protected by raised curbs to prevent damage by vehicles.

- 10.7.3.5 *Dumpster screening.* Dumpsters located in any district shall be completely screened from view, on three sides by a fence or wall with a minimum height of six feet, or one foot taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster from three sides, and be compatible in material and color with the principal structure on the lot. All dumpsters shall have a secured top to prevent materials from blowing out.



10.7.3.6 *Landscape material standards.* The following standards shall be considered the minimum required planting standards for all trees and landscape material:

10.7.3.7 *Plant quality.* Plants installed to satisfy the requirements of this section shall conform to or exceed plant quality standards employed by nurseries. All plants shall be nursery grown and adapted to the local area.

10.7.3.8 *Artificial plants.* No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Commission.

#### 10.7.4 *Trees.*

10.7.4.1 *Types are listed below.*

10.7.4.1.1 *Required.* Where required or permitted, trees shall be of ornamental, evergreen, or of the large deciduous types.

10.7.4.1.2 *Prohibited.* The following trees shall be prohibited and shall not be used to satisfy the landscaping or buffering standards of this section unless approved by the Planning Commission: box elder, soft maple, hackberry, or American elm.

10.7.4.1.3 *Species mix.* When more than ten trees are required to be planted to meet the standards of this section, a mix of species shall be provided. For every ten, or fractions thereof, another differing species shall be used.

#### 10.7.4.2 *Tree Sizes.*

10.7.4.2.1 *Medium and large deciduous trees.* Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet, and a minimum diameter of three inches, measured at a point that is at least four feet above existing grade level.

10.7.4.2.2 *Small deciduous or ornamental trees.* Small deciduous and ornamental trees, planted to satisfy the standards of this section shall have a minimum height of four feet.

10.7.4.2.3 *Conifers or evergreens.* Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of five feet.

10.7.4.2.4 *Use of existing plant material.* Trees that exist on a site, prior to its development, may be used to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section.

#### 10.7.4.3 *Installation, maintenance and replacement.*

10.7.4.3.1 *Installation.* All landscaping shall be installed according to sound

nursery practices in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, ensuring that planting will take place when planting season arrives.

10.7.4.3.2 *Maintenance and replacement.* Trees, shrubs, fences, walls and other landscape features (which includes screening) depicted on plans approved by the city shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner, or successors in interest, or agents, if any, shall be jointly and severally responsible for the following:

10.7.4.3.2.1 Regular maintenance of all landscaping in good condition, and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices.

10.7.4.3.2.2 The repair or replacement of required landscape structures (for example, fences and walls) to a structurally sound condition.

10.7.4.3.2.3 The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and continuous maintenance of the site.

10.7.5 *Alternative compliance.* Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved by the Planning Commission, an alternative compliance landscape plan may be substituted, in whole or in part, for landscaping requirements of this section.

10.7.5.1 *Procedure.* Alternative compliance landscape plans shall be considered through the site plan review process.

10.7.5.2 *Review criteria.* In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards, and plans that demonstrate innovative design and use of plant materials. Alternative compliance landscape plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

10.7.5.2.1 Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section.

10.7.5.2.2 Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffering or screening standards of this section.

10.7.5.2.3 The required landscaping or buffering would be ineffective at maturity due to topography, or the location of improvements on the site.

10.7.5.2.4 The proposed alternative represents a plan that is as good as or better than a plan prepared in strict compliance with the other standards of this section.

10.7.6 *Storage buildings and containers.* Prior approval required by the Planning Commission to place accessory storage building(s)/container(s) on any site with code requirements and completely screened from view. Minimum height interior shall be six feet. Shipping Containers to be used must be approved by the Planning Commission before placement. This approval will be for a season **not to exceed 90 days**.

## 10.8 CORNER VISIBILITY

On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and eight feet above curb grade within the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, 25 feet from their point of intersection. This sight-triangle standard may be increased by the city in those instances deemed necessary for promoting traffic safety, and may be lessened at intersections involving one-way streets.

## 10.9 RESIDENTIAL COMPATIBILITY STANDARDS.

The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

### 10.9.1 Applicability ("triggering property"):

Compatibility standards shall apply to all development in the A, R-M, C-1, C-2, I-1 and I-2 zoning districts when such development is adjacent to "triggering property," which shall include all property:

10.9.1.1 Occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or

10.9.1.2 Zoned in any of the following: R-E, R-1, R-2, R-3 and R-MH districts.

10.9.1.3 Exemptions:

10.9.1.3.1 Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

10.9.1.3.2 The following uses and activities shall specifically be exempt from compliance with compatibility standards:

10.9.1.3.2.1 Construction of a use permitted by-right in an R-E, R-1, R-2, R-3 and R-MH districts;

10.9.1.3.2.2 Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

10.9.1.3.2.3 A change in use that does not increase the minimum number of off-street parking spaces required.

10.9.1.3.3 Setback standards:

The following setback standards shall apply to all development that is subject to compatibility standards:

10.9.1.3.3.1 *Small sites.* On sites with 20,000 square feet of area or less that also have less than 200 feet of street frontage, structures shall be set back from the lot line of triggering property one-and-one-half times the required setback.

10.9.1.3.3.2 *Large sites.* On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structures shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

10.9.1.3.3.3 *Surface-level parking and driveways.* Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of ten feet from the lot line of triggering property.

10.9.1.3.3.4 *Building height.* No structure shall exceed 35 feet in height within 50 feet of the lot line of triggering property.

10.9.1.3.3.5 *Screening standards.* Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

10.9.1.3.3.6 *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

10.9.1.3.3.6.1 No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

10.9.1.3.3.6.2 Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

10.9.1.3.3.6.3 Exterior lighting shall be designed and located to minimize light spilling onto surrounding property and source of light cannot be in the direct line of sight.

## 10.10 FENCES

Except as otherwise specifically provided in other codes and regulations of the city, the following regulations shall apply to the construction of all fences:

10.10.1 Maximum height: Fences shall not exceed eight feet in height, unless approved by the Planning Commission. Fencing in I-1 or I-2 districts, and around tennis courts and other recreational amenities, shall be exempt from this height limit.

10.10.2 Corner visibility: Fences shall comply with the corner visibility standards set herein.

10.10.3 Construction/materials: Fences in all residential zoning districts shall be constructed so that the horizontal and vertical support posts are inside the fenced area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion. Exception agriculture pipe fencing.

10.10.4 Design and maintenance: All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

10.10.5 Prohibited: Barbed wire and electrified fences shall be prohibited on all lots of less than one acre in area.

## 10.11 SIDEWALKS

10.11.1 Single-family, multi-family and commercial development: Sidewalks shall be required for all single family, multi-family developments that contain five units or more. Sidewalks may be required through the site plan approval process for commercial developments.

10.11.2 Construction standards: Sidewalks shall be constructed in accordance with all applicable city standards and specifications, and with all applicable Americans with Disabilities Act (ADA) requirements. Sidewalks must be setback at least three feet from the back of the curb or pavement and such sidewalks shall have a minimum width of four feet. This specification shall be the city's standard requirement. Provided, however, that under unique circumstances, exceptions may be made through site plan approval, for a sidewalk to be attached to the curb or be located closer than three feet to the curb, provided such sidewalk shall have a minimum width of six feet.

10.11.3 Timing of installation: Required sidewalks shall be installed prior to occupancy of any structure.

**10.12 DRAINAGE AND STORM WATER MANAGEMENT** Adequate provisions for drainage of surface water and storm water management shall be made for all development and redevelopment. Plans for such including grading plans, for all commercial, all industrial development, and all residential developments that contain five units or more, shall be submitted and considered as part of the site plan approval process. All such plans shall be prepared by a registered professional civil engineer, licensed in Arkansas, and submitted and considered as part of the site plan approval process. Such plans shall contain adequate and properly designed measures to control erosion and sediment discharge from the construction site, and to prevent water pollution that may result from such discharges and runoff. The provisions of this section shall also be applicable to all development and redevelopment impacting one acre or more of property, regardless of the type of development or use.

## **11. BOARD OF ZONING ADJUSTMENT**

### **11.1 CREATION AND APPOINTMENT**

The Board of Zoning Adjustment (BZA) is hereby established, which shall be composed of the Planning Commission as a whole.

### **11.2 ORGANIZATION**

The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of these regulations. Meetings shall be held on a regular schedule and at such other times as the Board may determine. All meetings shall be open to the public. The Board of Zoning Adjustment shall keep minutes of its vote, indicating such fact, and it shall keep records of its examinations and other official actions, all of which shall be a public record. A quorum of the Board shall consist of three members. The concurring vote of a majority of the total Board members shall be necessary to revise any

order or decision of the Administrative Officer, or to decide on any matter upon which it is required to pass. The Administrative Officer shall attend each meeting of the Board and shall bring with him or her all plans, specifications, plats, and papers relating to any case before the Board for determination.

### **11.3 POWERS AND DUTIES**

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

- 11.3.1 Administrative review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer/Planning Commission in the enforcement of these regulations. The Board may affirm or reverse, in whole or in part, said decision of the Administrative Officer.
- 11.3.2 Variances: To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:
  - 11.3.2.1 The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.
  - 11.3.2.2 No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  - 11.3.2.3 The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.
  - 11.3.2.4 The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 11.3.2.5 In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.
- 11.3.2.6 Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.
- 11.3.3 Special exceptions: In addition to the powers and duties specified above, the Board of Zoning Adjustment shall also have the following powers and duties to hold public hearings and decide the following special exceptions:
- 11.3.3.1 Interpret zoning district boundaries, upon appeal of the Zoning Official's determination and where uncertainty exists, as to the boundaries of the zoning districts, or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.
- 11.3.3.2 Determine the amount of parking required for a use not listed herein.
- 11.3.3.3 Vary the parking regulations by not more than 25% where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by these regulations.
- 11.3.3.4 Permit an addition to a nonconforming structure provided that said addition conforms to all Building Code requirements, and further provided that the current use of the structure conforms to the zoning district in which it is located:

## 11.4 PROCEDURE FOR APPLICATION AND APPEALS

- 11.4.1 Application. Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any decision of the Administrative Officer. All appeals and applications made to the Board shall be made in writing within ten days after the decision has been rendered by the Administrative Officer. Every appeal or application shall refer to the specific provision of the code involved and shall exactly set forth:
- 11.4.1.1 The interpretation that is claimed;
- 11.4.1.2 The use for which the permit is sought; or
- 11.4.1.3 The details of the variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.
- 11.4.1.4 The appeal or application shall be filed with the officer from whom appeal



is taken and with the Board. The officer from whom appeal is taken shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

#### 11.4.2 Public hearing and notice:

The Board shall fix a reasonable time for the public hearing of an application or appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven days preceding the date of such hearing, in a newspaper of general circulation in the city. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of what the application or appeal consists. Evidence of notification of all adjoining property owners shall accompany all applications for variances. Such notification shall include the above described public notice information, as well as the time and place where the public hearing will be conducted. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting is publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing, any party may appear in person, by agent, or by attorney.

11.4.2.1 Effect of appeal: An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board, that, by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.

11.4.2.2 Time limit on permits. No order permitting the use of a building or premises, or the alteration or erection of a building, shall be valid for a period longer than 60 days, unless such use is established or the erection or alteration is started within such period, and proceeds to completion in accordance with the terms of a building permit.

11.4.2.3 Appeals from the Board of Zoning Adjustment: Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by Arkansas law.

## 12. ADMINISTRATION AND ENFORCEMENT

### 12.1 ADMINISTRATIVE OFFICER

The provisions of these zoning regulations shall be administered under the direction of the Administrative Officer/Planning Commission. The Official may be provided with the assistance of such other persons as the Mayor may direct. It shall be the duty of the Administrative Officer to see that these regulations are enforced through the proper legal

channels. Appeal from the decision of the Administrative Officer/Planning Commission may be made to the Board of Zoning Adjustment. The Administrative Officer/Planning Commission and/or their designee are generally empowered to carry out or conduct any activities essential to the proper administration and enforcement of these regulations, said activities to include, but not be limited to, the following:

- 12.1.1 Permits: To issue a zoning permit, building permit, and certificate of occupancy when compliance is made with these regulations; to refuse to issue the same in the event of noncompliance; and to give written notice of such refusal and reason thereof to the applicant.
- 12.1.2 Collections: To cause the collection of the designated fees as set forth in these regulations.
- 12.1.3 Records: To make and to keep all records necessary and appropriate to the office, including records of the issuance and denial of all zoning and building permits, and certificates of occupancy, and the receipt of complaints of violation of these regulations and action taken on the same, and to file such for record.
- 12.1.4 Inspections: To inspect any building or land to determine whether violations of these regulations have been committed or exist.
- 12.1.5 Enforcement: To enforce these regulations and take all necessary steps to remedy any condition found in violation. The city may enjoin any individual or property owner who is in violation of these regulations to prevent or correct such violation. Any individual aggrieved by a violation of these regulations may request an injunction against any individual or property owner in violation of these regulations, or may mandamus any official to enforce the provisions of these regulations.
- 12.1.6 Advisements: To keep the Mayor, City Council, Planning Commission, and Board of Zoning Adjustment advised of all matters other than routine that relate to the administration and enforcement of these regulations.

## **12.2 ZONING AND BUILDING PERMITS.**

- 12.2.1 It shall be unlawful to commence the construction, reconstruction, moving, demolition or structural alteration of any building until a zoning permit and a building permit have been issued. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of these regulations and other applicable building codes, laws, or regulations. A zoning permit shall also be required for the use or reuse of property, buildings, or structures where building permits are not required. Compliance with paved parking and other site standards shall be achieved as a condition for a change of use for commercial, industrial and multi-family purposes. In addition, a zoning permit evidencing compliance with the provisions of these regulations shall be a prerequisite to the issuance of a city privilege or occupation license.

- 12.2.2 All applications for building permits shall be accompanied by a reproducible plan drawn to scale, showing the size of the building to be erected and its location on the zoning lot, the location of any existing buildings or structures, location and dimensions of all driveways and parking or loading areas, drainage and such other information as may be necessary to provide for the administration of these regulations.
- 12.2.3 Site plans shall be required for all residential development proposals of, as well as for all new commercial and industrial development of 7,500 square feet or less, and substantial redevelopment. Such plans shall be reviewed and approved at the staff level, subject to appeal by the applicant to the Planning Commission; provided that commercial developments of over 7,500 gross square, residential developments, and substantial redevelopment, shall be approved by the Planning Commission. Site plan decisions by the Planning Commission shall be subject to appeal to the City Council. Complete requirements for site plans are included in the appendices hereto.

## **12.3 CERTIFICATE OF OCCUPANCY**

### **12.3.1 Purpose and authority:**

Certificates of occupancy are required to ensure that completed structures and the development of property of which such structures are a part, comply with the provisions of this chapter, as well as any site plans or conditional use approvals for such structures and development. The Building Official shall have the authority and responsibility to issue and keep records of certificates of occupancy in accordance with the requirements set forth in these regulations, and the building code. A certificate of occupancy must be applied for, and issued by the Building Official prior to occupancy and use of a structure or premises for any of the following:

- 12.3.1.1 Any new structure.
- 12.3.1.2 Any addition to an existing nonresidential structure.
- 12.3.1.3 Any change in occupancy or use of a building or premises that involves nonresidential occupancy.
- 12.3.1.4 Placement or change in occupancy of any manufactured home on any lot or parcel, regardless of use.

### **12.3.2 Procedure:**

- 12.3.2.1 A certificate of occupancy shall be applied for coincident with the application for a building permit, and must be issued before occupancy and connection of utilities to such building. The Building Official or his or her designated agent shall inspect the property that is the subject of an application within a reasonable time after a completed application has been filed, and shall issue a certificate of occupancy if the premises and the property comply in all respects with the applicable development

regulations in effect for the city. If the premises do not so comply, the Building Official shall deny the application in a written notice mailed to the applicant with five days, excluding weekends and holidays, after the inspection of the property, specifying the provisions of which regulation or code the structure or development does not comply.

12.3.2.2 A temporary certificate of occupancy may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. A temporary certificate of occupancy shall be valid for a period not exceeding one month, and may be renewed on a monthly basis up to a total of six months. Such temporary certificate shall not be construed as, in any way, altering the respective rights, duties, or obligations of the owner or of the city relating to the use or occupancy or any other matter required by these regulations.

12.3.2.3 Contents of certificate of occupancy: Information required for submission to obtain a certificate of occupancy shall include:

12.3.2.3.1 Name of applicant.

12.3.2.3.2 Nature and extent of the applicant's ownership interest in the subject property.

12.3.2.3.3 Address of the property for which a certificate is requested.

12.3.2.3.4 A legal description of the property, the zoning classification for the property, and a statement that the use of the property is allowed or permitted in the zoning classification for the property.

12.3.2.3.5 A site plan for any new construction (same as required for a building permit) for the structure, or the development of which such structure is a part, is required.

12.3.2.3.6 Such other information as requested by the Building Official to ensure conformance with applicable development regulations.

## 12.4 PENALTY FOR VIOLATION

12.4.1 Any person, firm or corporation who shall violate any of the provisions of these zoning regulations, or fail to comply thereafter with any of the requirements thereof, or who shall build, alter, move, or occupy any building in violation of any detailed statement or plans submitted and approved hereunder, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of \$500, and double each sum for each repetition thereof, regardless of project of development in question. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine of \$250 for each day that the same is unlawfully continued. The owner or owners of any building or premises or part thereof where anything in violation of these regulations

shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, firm or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof shall be fined as herein above provided.

- 12.4.2 Violations of these regulations that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases.

## 12.5 AMENDMENTS

Two types of amendments to these zoning regulations are recognized; one being a revision in the text provisions, and the other being a change of boundary in a zoning district, also known as a map amendment, or rezoning. It is expressly understood that in exceptional circumstances, as may be determined by the City Council, changes may be made by a majority vote of the City Council as provided by A.C.

### 12.5.1 Text amendments:

Amendments to the text may be initiated by the Planning Commission, members of the City Council, or by the Mayor. Proposed amendments shall be processed in accordance with the procedures set forth in this section.

- 12.5.2 *Notice.* The Zoning Official shall be responsible for scheduling a public hearing before the Planning Commission. He or she shall prepare the content of a public notice, and ensure that the notice is published in a newspaper of general circulation within the city at least 15 days before the public hearing.

- 12.5.3 *Hearing and recommendation by the Planning Commission.* The Planning Commission shall conduct a public hearing on the proposed amendment, hearing both the proponents and opponents, if any. Following the public hearing, the Commission shall determine its recommendation(s) regarding the proposed amendment, and make such known to the City Council.

- 12.5.3.1 *Action by the City Council.* After receiving the recommendation of the Planning Commission, the City Council may: approve the amendment as submitted; approve a revised version they deem appropriate; return it back to the Planning Commission for further study and reconsideration; table it; or deny it. If the City Council action does not take place within three months after the Planning Commission's public hearing, the amendment process must begin anew.

- 12.5.3.2 Change in district boundary: A change in a zoning district boundary, also referred to as a map amendment or rezoning, may be proposed by the City Council, the Planning Commission, or by a property owner or his or her legal agent. Such amendments shall be considered in accordance with the procedures set forth in this

section.

12.5.3.2.1 *Application submittal.* A complete application for a change in a zoning district boundary (or map amendment), hereafter referred to as a rezoning, shall be submitted to the Zoning Official in a form established for that purpose, along with a non-refundable processing fee in the amount specified in the city code. Applications shall be filed by the first of the month in order to be placed on the Planning Commission agenda for their meeting, which is held on the fourth Tuesday of each month. No application shall be processed until the Zoning Official determines that the application is complete, and the required fee has been paid.

12.5.3.2.2 *Notice.* Promptly upon determining that the application is complete, the Zoning Official shall schedule a public hearing date before the Planning Commission, notify the applicant of the hearing date, and provide at least 15 days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.

12.5.3.2.2.1 The applicant shall: post notice on weatherproof signs provided by the city; place the signs on the property that is the subject of the application at least ten days before the public hearing; and ensure that the signs remain continuously posted until a final decision is made by the City Council. One sign shall be posted by the applicant for every 300 feet of street frontage, up to a maximum of four signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passers-by. There shall be a minimum of one sign along each abutting street.

12.5.3.2.3 Individual property owners applying for changes to the official zoning map shall present evidence or an affidavit, at least ten days prior to the required public hearing, that all property owners within 200 feet have been notified of the proposed zoning change and of the time, date, and place of the public hearing.

12.5.3.2.4 *Hearing and recommendation by the Planning Commission.* The Planning Commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the Commission shall recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but similar classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application. The Commission shall, regardless of the action taken, submit an accurate written summary of the proceedings to the City Council.

12.5.3.2.5 *Hearing and action by the City Council.* After the Planning Commission recommends approval of an application, the applicant shall be responsible for

preparing the appropriate ordinance, and requesting that the Recorder-Treasurer place it on the City Council agenda. The Zoning Official shall review the proposed rezoning ordinance, prior to its placement on the City Council agenda, to verify that the contents of the document and the property description therein, accurately reflect the action taken by the Planning Commission.

12.5.3.2.6 If the Planning Commission does not recommend approval of an application, the City Council may consider the matter, but only after an appeal is filed by the property owner with the Recorder-Treasurer, and a special public hearing is set and subsequently held. Applicant responsibility with regard to filing documents with the Recorder-Treasurer, as described above, is also applicable.

12.5.3.2.7 In considering an application for approval, whether on appeal or not, the City Council may reduce the amount of land area included in the application, but not increase it, and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the Planning Commission's required public notice.

12.5.3.2.8 *Approval criteria.* The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

12.5.3.2.8.1 Consistency of the proposal with the comprehensive plan;

12.5.3.2.8.2 Consistency of the proposal with the purpose of these regulations;

12.5.3.2.8.3 Compatibility of the proposal with the zoning, uses and character of the surrounding area;

12.5.3.2.8.4 Compatibility of the proposal with the zoning, uses and character of the surrounding area;

12.5.3.2.8.5 Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

12.5.3.2.8.6 Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property;

12.5.3.2.8.7 Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and

12.5.3.2.8.8 Impact of the proposed development on community facilities and

services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

12.5.3.2.9 *Successive applications.* In the event that the City Council denies an application for a rezoning, a similar application involving any of the property considered in the previous rezoning request shall not be considered by the Planning Commission for six months from the date of the denial by the City Council, unless the Planning Commission, upon recommendation by the Zoning Official, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area affected by the proposed rezoning.

## **12.6 FEES**

Before any action shall be taken as provided in these regulations, the applicant shall submit a fee with the application in accordance with the city codes. Under no condition shall said sum or any part thereof be refunded for failure of said action to be approved by the city.

# **13. VALIDITY AND REPEAL**

## **13.1.1 VALIDITY**

These zoning regulations and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these zoning regulations shall not be affected thereby. The City Council hereby declares that all such remaining parts would have been passed irrespective of the validity and/or invalidity of any parts found to be invalid.

## **13.2 REPEAL**

All ordinances, codes, or regulations, or parts of ordinances, codes, or regulations, in conflict with these zoning regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these zoning regulations full force and effect upon their adoption by the City Council.

## **CHECKLIST FOR APPENDIX A SITE PLAN/CONDITIONAL USE PERMIT**

At a minimum, site plans and/or conditional use permit applications shall be provided on a suitable medium. Site plans shall provide the following information and format:

1. Name of the development and/or subdivision;
2. Address and lot number of the property;
2. Location map drawn to a minimum scale of one inch equals 1,000 feet, and including city limits and streets with one-half mile radius of the site;
3. Name, address and telephone numbers of all owners and the applicant;



4. North arrow;
5. Drawn to a minimum scale of one inch equals 50 feet, and a graphic scale included;
6. City, county and state;
7. Date;
8. Existing zoning;
9. Name, address, and telephone number of all professional consultants;
10. Seal of the appropriate professional registered in the State of Arkansas;
11. Acreage and square footage of the site;
12. Minimum required street, side, and rear setbacks (per city code), and by private requirements, if any exist, if more restrictive than the city code requirements;
13. Floodway and floodplain boundaries with elevations referenced to, and showing the exact location of, the nearest benchmark;
14. Existing and proposed land contours showing vertical intervals no greater than two feet;
15. Adjoining property owners;
16. Length of site boundaries measured to the nearest one-tenth foot;
17. Value of all true bearings and angles as dimensioned in degrees and minutes;
18. Location, square footage and exterior dimension, measured from outside walls of all existing and proposed buildings and structures;
19. All proposed improvements in their exact relationship to existing contours and other topographic features;
20. Easements indicating location, dimension, and type;
21. Existing and proposed location, size and type of water lines, fire hydrants, sanitary sewers, storm sewers, culverts, street improvements and any other utilities and services affected by the site, including dumpster location and type of screening;
22. Drainage plan (if required by the City Engineer) indicating all existing and proposed drainage locations, size, and type, plus drainage calculations that meet the city's requirements, must be certified by a registered professional engineer licensed in the State of Arkansas. A storm water management plan, and a grading plan, may also be required by the City Engineer;
23. Parking and traffic control plan indicating the location, dimension and type of vehicle access, handicapped person vehicular and pedestrian access, parking spaces, loading provisions and traffic control devices;
24. Sign location and type;
25. Screening and buffering;
26. Landscaping plan indicating location, size and type of existing and proposed materials;
27. Restrictive covenants, grants of easements, or other restrictions in a recordable form;
28. Common open space plan, and proposed amenities (if applicable);
29. Lighting plan indicating location, type, direction, and intensity measured in foot-candles; and
30. Location and characteristics of any historical structures and sites.

## APPENDIX "A"

### MINIMUM DIMENSION REQUIREMENTS RESIDENTIAL DISTRICTS

	ZONING DISTRICTS					
DIMENSION	A	RE	R-1	R-2	R-3	R-M R-MH

Lot size per:

Single-family (sq. ft.)	5 ac	2 ac	1 ac	0.60 ac	9,600	10,000	10,000
Duplex (sq. ft.)	NP	NP	NP	NP	NP	12,000	NP
Nonresidential uses (sq. ft.)	5 ac	2 ac	1 ac	0.60 ac	9,600	12,000	NP
Multi-family (units/acre)	NP	NP	NP	NP	NP	12	NP
Lot width (all uses)	240'	200'	120'	100'	80'	100'	100'
Lot depth (all uses)	400'	200'	120'	120'	120'	100'	100'
Front setback (all uses)	35'	35'	25'	25'	25'	25'	25'
Side setback (all uses)	15'	15'	7'	7'	7'	7'	7'
Street side setback (all uses)	35'	35'	25'	25'	25'	25'	25'
Rear setback (all uses)	25'	25'	25'	25'	25'	25'	25'

**NP – NOT PERMITTED**

**Note: All references to lot size and coverage in net square feet.**

## **MINIMUM DIMENSION REQUIREMENTS NONRESIDENTIAL DISTRICTS**

<b>DIMENSION</b>	<b>ZONING DISTRICT</b>			
	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1 and 1-2</b>
<b>Minimum lot size</b>				
Single-family (sq. ft.)	12,000	12,000		12,000
Duplex (sq. ft.)	12,000	12,000		NP
Multi-family (units/acre)	12	12		12
Nonresidential uses (sq. ft.)	12,000	12,000		12,000
<b>Minimum lot width (all uses)</b>	100'	100'		100'
<b>Minimum lot depth (all uses)</b>	100'	100'		100'
<b>Front setback</b>	50'	50'	25'	
Residential uses	25'	25'		100'
Nonresidential uses	25'	25'		100'
<b>Street side setback (all)</b>	10'	10'	10'	25'
<b>Interior side setback</b>	10'	10'	10'	
Residential uses	10'	10'		25'

Nonresidential uses	10'	10'	25'
<b>Rear setback</b>	25'	25'	25'
Residential uses	25'	25'	25'
Nonresidential uses	20'	20'	25'
<b>Maximum height</b>	35'	35'	45'
<b>Maximum lot coverage (all uses)</b>	60%	60%	60%
<b>Maximum floor area (sq. ft.)</b>	NS	NS	NS

**NP = Not Permitted**

**NS = Not Standard**

#### **Residential Uses**

#### **Number of Spaces Required**

Single-family detached	2 per dwelling unit
Single-family attached	2 per dwelling unit
Duplex	2 per dwelling unit
	1.25 per efficiency unit
Multi-family	1.75 per one-bedroom unit
	2.25 per two-bedroom unit
	3.00 per three-bedroom and larger units
Manufactured housing park	2 per dwelling unit
	2 per unit, plus 1 for every 10 units

#### **Civic and Commercial Uses**

Animal care, general	1 per 400 square feet
Animal care, limited	1 per 300 square feet
Auditorium, arena, theater	1 for each 4 seats, based on maximum capacity
Bank or financial institution	1 per 300 square feet
Bed and breakfast	2 per building, plus 1 per guest room

Church	1 for each 4 seats in the sanctuary (sharing possible)
College or university	1 per 300 square feet, or 1 for every 2 students, whichever is greater
Communication tower	1 space (plus office space, if on site)
Construction sales and service	Spaces to be provided pursuant to Schedule B
Convenience store	1 per 200 square feet
Day care, limited or general	1 per employee and/or attendant, plus 2 spaces
Funeral home	1 for every 4 chapel seats, plus 1 per employee
Government service	1 per 300 square feet
Hospital	1 for every 3 beds, plus 1 for every 3 employees
Hotel or motel	1 per guest room, plus 1 per 10 guest rooms
Library	1 per 500 square feet
Medical service	6 per doctor or dentist
Museum	1 per 500 square feet
Office, General	1 per 300 square feet
Recreation/entertainment, indoor	1 per 400 square feet
Recreational vehicle park	1 per camping space
Restaurant, fast food	1 per 75 square feet of customer service/dining area; 1 per 200 square feet if no such service/dining area
Restaurant, general	1 per 150 square feet for first 2,500 square feet, plus 1 per 100 square feet over 2,500 square feet
Retail/service, general	1 per 250 square feet
Retail/service, furniture and bulky items	Spaces to be provided pursuant to Schedule B
School, nursery, elementary and middle	1 per staff and employee, plus 1 space per classroom
School, high	1 for every 3 students, plus 1.5 per classroom
Service station	2 per service bay, plus 1 per pump
Vehicle & equipment sales	Spaces to be provided pursuant to Schedule B
Vehicle repair, general or limited	5 per service bay
Vocational school	1 per 3 students, plus 1 per faculty member
Warehouse, residential (mini) storage	1 for every 5 storage bays, or 1 per 1,000 square feet, whichever is greater

#### **Industrial and Manufacturing Uses**

Asphalt or concrete plant	Spaces to be provided pursuant to Schedule B
Auto wrecking or salvage yard	Spaces to be provided pursuant to Schedule B
Manufacturing, general	Spaces to be provided pursuant to Schedule B
Manufacturing, limited	Spaces to be provided pursuant to Schedule B
Research service	1 per 300 square feet
Warehousing	Spaces to be provided pursuant to Schedule B
Welding or machine shop	1 per 1,000 square feet or 1 per employee, whichever is greater

(3) *Off-street parking, Schedule B.* Off-street parking for “Schedule B” uses shall be provided in accordance with the following table:

**OFF-STREET PARKING SCHEDULE “B”**

Activity	Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales, service or display area	1 per 500 square feet
Outdoor sales, service or display area	1 per 750 square feet
Manufacturing area	1 per 1,000 square feet
Indoor storage, warehousing, or equipment servicing	1 per 5,000 square feet unless number of employees and visitors requires greater

(4) *Off-street loading schedule.* Off-street loading spaces shall be provided in accordance with the following minimum standards:

**OFF-STREET LOADING SCHEDULE “D”**

**FLOOR AREA (SQUARE FEET)**

**MINIMUM OFF-STREET LOADING REQUIREMENT**

**Retail and Services, Warehouse, Wholesale, and Manufacturing Uses**

3,000 to 25,000	1
25,001 to 85,000	2
85,001 to 155,000	3
155,001 to 235,000	4
235,001 to 325,000	5
325,001 to 425,000	6
425,001 to 535,000	7
535,001 to 655,000	8
655,001 to 775,000	9
775,001 to 925,000	10
925,001 or more	10, plus 1 per 200,000 square feet above 925,001

**Office, Nursing Home, Hospital, Hotels and Institutions**

3,000 to 100,000	1
100,001 to 335,000	2
335,001 to 625,000	3
625,001 to 945,000	4
945,001 or more	5, plus 1 per 500,000 square feet above 945,001

**PROOF OF POSTING OF ORDINANCE**

STATE OF ARKANSAS

COUNTY OF BENTON

We, Larry Smith and Kimberly Masters, do solemnly swear that as Mayor and City Recorder, respectively, of and for the City of Cave Springs, Benton County, Arkansas, that a certified copy of Ordinance No. 2012-09 was, on the 15<sup>th</sup> day of December, 2012, duly posted in five separate and distinct places inside the corporate limits of the City in accordance with Ordinance No. 2007-15 of the City, and that Ordinance No. 2012-09 remained posted for thirty (30) days.

DATED this 7<sup>th</sup> day of February, 2013.

Larry Smith  
Larry Smith, Mayor

Kimberly Masters  
Kimberly Masters, City Recorder

(SEAL)

12<sup>th</sup> SUBSCRIBED AND SWORN to before me, a Notary Public, on this day of February, 2012.<sup>3</sup>

Amanda D. Merritt  
Notary Public

My Commission Expires:

04.18.2022

